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1
       IN THE UNITED STATES DISTRICT COURT
2
        FOR THE NORTHERN DISTRICT OF OHIO
3
                EASTERN DIVISION
4
5
     IN RE: NATIONAL
                             : HON. DAN A.
6
     PRESCRIPTION OPIATE
                             :
                               POLSTER
     LITIGATION
7
     APPLIES TO ALL CASES
                             : NO.
8
                             : 1:17-MD-2804
9
            - HIGHLY CONFIDENTIAL -
10
    SUBJECT TO FURTHER CONFIDENTIALITY REVIEW
11
12
                February 19, 2019
13
14
15
                 Videotaped deposition of
    MICHAEL DiBELLO, taken pursuant to
16
    notice, was held at the offices of Locke
    Lord, LLP, 200 Vesey Street, New York,
17
    New York, beginning at 10:29 a.m., on the
    above date, before Michelle L. Gray, a
18
    Registered Professional Reporter,
    Certified Shorthand Reporter, Certified
19
    Realtime Reporter, and Notary Public.
20
21
           GOLKOW LITIGATION SERVICES
22
        877.370.3377 ph | 917.591.5672 fax
                 deps@golkow.com
23
2.4
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¹ / ₂ APPEARANCES:	¹ APPEARANCES: (Cont'd.)
MOTLEY RICE, LLC BY: DONALD A, MIGLIORI, ESQ. 28 Bridgeside Boulevard Mount Pleasant, South Carolina 29464 (843) 216-9000 Dmigliori@motleyrice.com Representing the Plaintiffs LOCKE LORD, LLP BY: JOHN P. McDONALD, ESQ. 2200 Ross Avenue Suite 2800 Dallas, Texas, 75201 (214) 740,8758 jpmcdonald@lockelord.com siones@lockelord.com Representing Henry Schein, Inc. and the Witness FARRELL FRITZ P.C BY: KEVIN P. MULRY, ESQ. 400 RXR Plaza Uniondale, New York 11556 (516) 227,0620 Kmulry@farrellfritz.com Representing the Defendant, Cardinal Health GIBBONS, P.C BY: PAUL E. ASFENDIS, ESQ. One Pennsylvania Plaza 37th Floor New York, New York 10119-3701 (212) 613,2067 pasfendis@gibbonslaw.com	VIDEOTAPE TECHNICIAN: Henry Marte ALSO PRESENT: Janine K. Downing, Esq (via telephone) (Henry Schein) Henry Schein Henry Schein Louis Henry Schein
22 Representing the Defendant, AmerisourceBergen	23
23 24	24
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¹ APPEARANCES: (Cont'd.) COVINGTON & BURLING, LLP BY: FREDERICK BENSON, ESO, 850 Tenth Street, NW, Suite 586N Washington, D.C. 20001 (202) 662-5516	INDEX INDEX Testimony of:
5 fbenson@cov.com Representing the Defendant, McKesson 6 Corporation	MICHAEL DIBELLO
TELEPHONIC/STREAMING APPEARANCES:	By Mr. Migliori 14
JONES DAY BY: SHUBBA HARRIS, ESQ. 90 South Seventh Street, Suite 4950 Minneapolis, Minnesota 55402 (612) 217-8800 Shubbaharris@jonesday.com Representing the Defendant, Walmart MARCUS & SHAPIRA, LLP BY: PAUL MANNIX, ESQ. One Oxford Centre, 35th Floor Pittsburgh, Pennsylvania 15219 (412) 338-4683 pmannix@marcus-shapira.com Representing the Defendant, HBC Service Company ARNOLD & PORTER KAYE SCHOLER, LLP BY: TIFFANY IKEDA, ESQ. 777 Figueroa Street, 44th Floor Los Angeles, California 90017 (213) 243-4000 tiffany.ikeda@arnoldporter.com karen.rigberg@arnoldporter.com Representing the Defendants, Endo Health Solutions; Endo Pharmaceuticals, Inc.; Par Pharmaceutical Companies, Inc. f/k/a Par Pharmaceutical Holdings, Inc.	10 11 12 12 13 14 15 16 17 18 18 19 19 19 19 10 10 11 11 12 12 13 14 15 14 15 16 17 17 17 18 18 19 18 19 18 19 18 19 19 19 19 10 10 10 10 11 17 17 17 18 19 19 10 10 10 10 10 10 10 10 10 10 10 10 10

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Subject, California Boctor Linked to Drug Deaths Arrested HSI-MDL-00115531-34 None. Request for Production of Documer	
9 HSI-MDL-00115531-34 8 Request for Production of Documer	nts
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21 2/1/12 Subject, JDE 629100 21 22 Timothy Kowolcki	
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23 24 24	
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1 THE VIDEOGRAPHER: V	We are
EXHIBITS (Cont'd.) 2 now on the record. My name is	
Henry Marte. I'm a videograph	
5 NO. DESCRIPTION PAGE 6 Henry Schein 6 Henry Schein 7 With Golkow Litigation Service 7 Today's date is February 19	
DiBello-32 Letter 11/9/12 313 6 2019 And the time is 10:29 a.	•
From Tejeda to Droz HSI-MDL-00397293-94 From Tejeda to Droz This videotaped deposition	111.
8 is being held at 200 Vesey Street	et,
Henry Schein 9 DiBello-33 Interoffice 318	
Memorandum of National Prescription Opiate	:
10 12/19/12 Litigation. Subject, Regulatory 11 Litigation. The deponent today is	
Assessment of Verifications 13 Michael DiBello	
Computer Systems and Procedures 2013 14 All appearances are noted or	on
HSI-MDL-00622252-58 ¹⁵ the stenographic record.	
13 Will the court reporter	
please administer the oath to th	e
16 18 witness. 19	
18 20 MICHAEL DIDELLO I	avina
20 MICHAEL DIBELLO, II 21 been first duly sworn, was	aving
22 examined and testified as follow	ws:
22 23	
24 EXAMINATION	

Page 14	Page 16
1 Q. What is Aceto Corp.?	
² BY MR. MIGLIORI: ² A. Aceto Corp. is a chemical	
³ Q. Good morning, sir. ³ importer distributor of chemicals and	d
4 A. Good morning. 4 pharmaceutical ingredients, nutrition	
	iiai
agricultural protection products.	4-
7 to be asking you some questions today. 7 Q. Does Aceto have any prod	ucts
8 Throughout the course of the day, I'm 8 that are considered controlled	
⁹ going to be handing papers over to you ⁹ substances?	
10 and your counsel asking you questions. 10 A. Aceto has List 1 and	
Hopefully they're intelligible. If they	
are not, please stop me. If you don't Q. Do they manufacture control	ol
¹³ understand what I'm asking, or if you ¹³ substances or do they just supply	
14 can't hear me, I'll be glad to rephrase 14 chemicals?	
15 or slow down. 15 A. Aceto does not manufacture	
I ask that all your answers any chemicals or ingredients. They	only
$ ^{17}$ be verbal so the court reporter can take $ ^{17}$ import and distribute.	
¹⁸ down your testimony. I'd also ask that ¹⁸ Q. Okay. And does Aceto ha	ve
¹⁹ in between my question and your answer, ¹⁹ any products that would be related t	0
²⁰ that you give your counsel some time to ²⁰ opiates?	
²¹ interpose an objection if necessary.	
22 If you answer if you 22 Q. Okay. Before Aceto, what	;
23 answer my question I'm going to assume 23 was your employer and your job titl	
24 that you've understood it. Is that okay 24 A. Before Aceto, I worked at	
Page 15	Page 17
¹ with you? ¹ Henry Schein. I was the director of	-
² A. Yes. ² regulatory affairs at Henry Schein, 1	
Q. And have you gone through 3 in Melville, New York.	,
4 this process before? 4 Q. And what years were you	
5 A. No. I've never been 5 there?	
6 deposed. 6 A. I started at Henry Schein i	n
⁷ Q. Okay. So if at any time you ⁷ 1996 and I left Schein at 2012.	
8 need to take a break, I'm happy to stop, (Document marked for	
9 I ask that it be after a full question 9 identification as Exhibit	
and answer has been completed, and then 10 Schein-DiBello-1.)	
11 we'll take a break. Otherwise we'll take 11 BY MR. MIGLIORI:	
¹² a break about every hour or so. It's my ¹² Q. I'm going to show you	
13 intent to not go very long today. 14 Exhibit Number 1. It's a copy for y	011
	ou
Stick to that.	tion
Simply the notice for today's deposi	
name and your address, prease.	uon.
in preparation for this	.~
Procedure 19 Rock Road, Syosset, New York 11791.	igs
Q. Okay. And what is your with counsely	
21 current job and job title? 21 A. Yes.	
A. My current job title is vice Q. When were you first notifi	ed
president, deputy general counsel, 23 about this deposition?	
²⁴ regulatory, at Aceto Corp. ²⁴ A. I was notified about this	

mighty confidencial - 5	
	Page 18 Page 20
¹ deposition about a week or so ago	_ ,
² particular, yeah.	² the name of Shaun Abreu?
³ Q. The day?	³ A. Yeah. I recall Shaun.
⁴ A. The day, yeah.	⁴ Q. Did you either review
⁵ Q. Okay. When is the first	⁵ testimony that Shaun may have given in
⁶ time that you actually sat and	⁶ this case or did you speak with him about
⁷ substantively talked about your	⁷ your testimony in this case?
8 testimony, either by phone or in p	person 8 A. No.
⁹ with counsel?	⁹ Q. How about Mr. Peacock? Have
¹⁰ A. Yesterday. We sat and	10 you either reviewed any testimony of
11 spoke.	¹¹ Mr. Peacock or discussed his testimony in
Q. Okay. Was that the first	-
13 time?	A. I have not reviewed any
A. We spoke prior to that.	14 testimony nor discussed any of his
Q. When did you speak prio	
16 that?	Q. And other than the documents
¹⁷ A. I would say probably are	
18 two or three weeks ago.	did you have any documents of your own
Q. Okay. Was that on the p	· · · · · · · · · · · · · · · · · ·
²⁰ or in person?	20 A. No.
A. On the phone.	Q. Did you retain any documents
Q. Were any documents ser	
²³ you to review for today?	23 position relative to your time at Henry
²⁴ A. No.	24 Schein? And by documents, I mean
11. 110.	Senem. This of documents, I mean
	7 10
	Page 19 Page 21
Q. How long was the phone	e call ¹ documents that would be dealing with your
² a few weeks ago?	¹ documents that would be dealing with your ² regulatory responsibilities, particularly
 a few weeks ago? A. The phone call was 	 documents that would be dealing with your regulatory responsibilities, particularly in the area of controlled substances.
 a few weeks ago? A. The phone call was approximately a half hour or so. 	documents that would be dealing with your regulatory responsibilities, particularly in the area of controlled substances. 4 A. I just want to make sure I
 a few weeks ago? A. The phone call was approximately a half hour or so. Q. And was that with your 	 documents that would be dealing with your regulatory responsibilities, particularly in the area of controlled substances. A. I just want to make sure I understand the question.
 a few weeks ago? A. The phone call was approximately a half hour or so. Q. And was that with your counsel here today? 	documents that would be dealing with your regulatory responsibilities, particularly in the area of controlled substances. 4 A. I just want to make sure I understand the question. 5 Did I
 a few weeks ago? A. The phone call was approximately a half hour or so. Q. And was that with your counsel here today? A. Yes. 	documents that would be dealing with your regulatory responsibilities, particularly in the area of controlled substances. 4 A. I just want to make sure I understand the question. 5 Understand the question. 6 Did I 7 Q. I can rephrase it if you'd
 a few weeks ago? A. The phone call was approximately a half hour or so. Q. And was that with your counsel here today? A. Yes. Q. And the next time that y 	documents that would be dealing with your regulatory responsibilities, particularly in the area of controlled substances. A. I just want to make sure I understand the question. Did I Q. I can rephrase it if you'd like.
 a few weeks ago? A. The phone call was approximately a half hour or so. Q. And was that with your counsel here today? A. Yes. Q. And the next time that y spoke with counsel about this dep 	documents that would be dealing with your regulatory responsibilities, particularly in the area of controlled substances. 4 A. I just want to make sure I understand the question. 5 Understand the question. 6 Did I 7 Q. I can rephrase it if you'd 8 like. 9 A. Yeah, could you?
 a few weeks ago? A. The phone call was approximately a half hour or so. Q. And was that with your counsel here today? A. Yes. Q. And the next time that y spoke with counsel about this dep was yesterday? 	documents that would be dealing with your regulatory responsibilities, particularly in the area of controlled substances. 4 A. I just want to make sure I understand the question. 5 Understand the question. 6 Did I 7 Q. I can rephrase it if you'd 8 like. 9 A. Yeah, could you? 10 Q. Do you have in your
 a few weeks ago? A. The phone call was approximately a half hour or so. Q. And was that with your counsel here today? A. Yes. Q. And the next time that y spoke with counsel about this dep was yesterday? A. Correct. 	documents that would be dealing with your regulatory responsibilities, particularly in the area of controlled substances. 4 A. I just want to make sure I understand the question. 5 Understand the question. 6 Did I 7 Q. I can rephrase it if you'd 8 like. 9 A. Yeah, could you? 10 Q. Do you have in your 11 possession now, still, since leaving
 a few weeks ago? A. The phone call was approximately a half hour or so. Q. And was that with your counsel here today? A. Yes. Q. And the next time that y spoke with counsel about this dep was yesterday? A. Correct. Q. And did you meet in per 	documents that would be dealing with your regulatory responsibilities, particularly in the area of controlled substances. 4 A. I just want to make sure I understand the question. 5 understand the question. 6 Did I 7 Q. I can rephrase it if you'd like. 9 A. Yeah, could you? 10 Q. Do you have in your 11 possession now, still, since leaving 12 Henry Schein any documents from Henry
 a few weeks ago? A. The phone call was approximately a half hour or so. Q. And was that with your counsel here today? A. Yes. Q. And the next time that y spoke with counsel about this dep was yesterday? A. Correct. Q. And did you meet in per yesterday? 	documents that would be dealing with your regulatory responsibilities, particularly in the area of controlled substances. A. I just want to make sure I understand the question. Did I Q. I can rephrase it if you'd like. A. Yeah, could you? Q. Do you have in your possession now, still, since leaving Henry Schein any documents from Henry Schein relative to your roles in
 a few weeks ago? A. The phone call was approximately a half hour or so. Q. And was that with your counsel here today? A. Yes. Q. And the next time that y spoke with counsel about this dep was yesterday? A. Correct. Q. And did you meet in per 	documents that would be dealing with your regulatory responsibilities, particularly in the area of controlled substances. A. I just want to make sure I understand the question. Did I Q. I can rephrase it if you'd like. A. Yeah, could you? Q. Do you have in your possession now, still, since leaving Henry Schein any documents from Henry Schein relative to your roles in regulatory affairs as they relate to
 a few weeks ago? A. The phone call was approximately a half hour or so. Q. And was that with your counsel here today? A. Yes. Q. And the next time that y spoke with counsel about this dep was yesterday? A. Correct. Q. And did you meet in per yesterday? 	documents that would be dealing with your regulatory responsibilities, particularly in the area of controlled substances. A. I just want to make sure I understand the question. Did I Q. I can rephrase it if you'd like. A. Yeah, could you? Q. Do you have in your Possession now, still, since leaving Henry Schein any documents from Henry Schein relative to your roles in regulatory affairs as they relate to
 a few weeks ago? A. The phone call was approximately a half hour or so. Q. And was that with your counsel here today? A. Yes. Q. And the next time that y spoke with counsel about this dep was yesterday? A. Correct. Q. And did you meet in per yesterday? A. Yes. Q. How long did you meet? A. We met yesterday, 9:00 	documents that would be dealing with your regulatory responsibilities, particularly in the area of controlled substances. A. I just want to make sure I understand the question. Did I Q. I can rephrase it if you'd like. A. Yeah, could you? Q. Do you have in your possession now, still, since leaving Henry Schein any documents from Henry Schein relative to your roles in regulatory affairs as they relate to controlled substances? A. I may have. I may have some
 a few weeks ago? A. The phone call was approximately a half hour or so. Q. And was that with your counsel here today? A. Yes. Q. And the next time that y spoke with counsel about this dep was yesterday? A. Correct. Q. And did you meet in per yesterday? A. Yes. Q. How long did you meet? 	documents that would be dealing with your regulatory responsibilities, particularly in the area of controlled substances. A. I just want to make sure I understand the question. Did I Q. I can rephrase it if you'd like. A. Yeah, could you? Q. Do you have in your possession now, still, since leaving Henry Schein any documents from Henry Schein relative to your roles in regulatory affairs as they relate to controlled substances? A. I may have. I may have some
 a few weeks ago? A. The phone call was approximately a half hour or so. Q. And was that with your counsel here today? A. Yes. Q. And the next time that y spoke with counsel about this dep was yesterday? A. Correct. Q. And did you meet in per yesterday? A. Yes. Q. How long did you meet? A. We met yesterday, 9:00 	documents that would be dealing with your regulatory responsibilities, particularly in the area of controlled substances. A. I just want to make sure I understand the question. Did I Q. I can rephrase it if you'd like. A. Yeah, could you? Q. Do you have in your possession now, still, since leaving Henry Schein any documents from Henry Schein relative to your roles in regulatory affairs as they relate to controlled substances? A. I may have. I may have some
2 a few weeks ago? 3 A. The phone call was 4 approximately a half hour or so. 5 Q. And was that with your 6 counsel here today? 7 A. Yes. 8 Q. And the next time that y 9 spoke with counsel about this dep 10 was yesterday? 11 A. Correct. 12 Q. And did you meet in per 13 yesterday? 14 A. Yes. 15 Q. How long did you meet? 16 A. We met yesterday, 9:00 17 until it was around 3:00, maybe	documents that would be dealing with your regulatory responsibilities, particularly in the area of controlled substances. 4 A. I just want to make sure I understand the question. 5 Understand the question. 6 Did I 7 Q. I can rephrase it if you'd like. 9 A. Yeah, could you? 10 Q. Do you have in your 11 possession now, still, since leaving
a few weeks ago? A. The phone call was approximately a half hour or so. Q. And was that with your counsel here today? A. Yes. Q. And the next time that y spoke with counsel about this dep was yesterday? A. Correct. Q. And did you meet in per yesterday? A. Yes. D. How long did you meet? A. We met yesterday, 9:00 until it was around 3:00, maybe	documents that would be dealing with your regulatory responsibilities, particularly in the area of controlled substances. 4 A. I just want to make sure I understand the question. 5 Understand the question. 6 Did I 7 Q. I can rephrase it if you'd like. 9 A. Yeah, could you? 10 Q. Do you have in your 11 possession now, still, since leaving
a few weeks ago? A. The phone call was approximately a half hour or so. Q. And was that with your counsel here today? A. Yes. Q. And the next time that y spoke with counsel about this dep was yesterday? A. Correct. Q. And did you meet in per yesterday? A. Yes. Q. How long did you meet? A. We met yesterday, 9:00 Tuntil it was around 3:00, maybe 3:15-ish. Q. Okay. During that time	documents that would be dealing with your regulatory responsibilities, particularly in the area of controlled substances. A. I just want to make sure I understand the question. Did I Q. I can rephrase it if you'd like. A. Yeah, could you? Q. Do you have in your possession now, still, since leaving Henry Schein any documents from Henry Schein relative to your roles in regulatory affairs as they relate to controlled substances? a.m. A. I may have. I may have some documents that I R. Q. What kind of documents do did
a few weeks ago? A. The phone call was approximately a half hour or so. Q. And was that with your counsel here today? A. Yes. Q. And the next time that y spoke with counsel about this dep was yesterday? A. Correct. Q. And did you meet in per yesterday? A. Yes. Q. How long did you meet? A. We met yesterday, 9:00 A. We met yesterday, 9:00 are until it was around 3:00, maybe 3:15-ish. Q. Okay. During that time you review documents?	documents that would be dealing with your regulatory responsibilities, particularly in the area of controlled substances. A. I just want to make sure I understand the question. Did I Q. I can rephrase it if you'd like. A. Yeah, could you? Q. Do you have in your Possession now, still, since leaving Henry Schein any documents from Henry Schein relative to your roles in regulatory affairs as they relate to controlled substances? a.m. A. I may have. I may have some documents that I Q. What kind of documents do you think you have? A. Documents that I, you know, worked on, were, you know, my documents,
a few weeks ago? A. The phone call was approximately a half hour or so. Q. And was that with your counsel here today? A. Yes. Q. And the next time that y spoke with counsel about this dep was yesterday? A. Correct. Q. And did you meet in per yesterday? A. Yes. Q. How long did you meet? A. We met yesterday, 9:00 How long did you meet? A. We met yesterday, 9:00 runtil it was around 3:00, maybe 3:15-ish. Q. Okay. During that time you review documents? A. Yes.	documents that would be dealing with your regulatory responsibilities, particularly in the area of controlled substances. A. I just want to make sure I understand the question. Did I Q. I can rephrase it if you'd like. A. Yeah, could you? Q. Do you have in your Possession now, still, since leaving Henry Schein any documents from Henry Schein relative to your roles in regulatory affairs as they relate to controlled substances? a.m. A. I may have. I may have some documents that I Q. What kind of documents do you think you have? A. Documents that I, you know, worked on, were, you know, my documents,
2 a few weeks ago? 3 A. The phone call was 4 approximately a half hour or so. 5 Q. And was that with your 6 counsel here today? 7 A. Yes. 8 Q. And the next time that y 9 spoke with counsel about this dep 10 was yesterday? 11 A. Correct. 12 Q. And did you meet in per 13 yesterday? 14 A. Yes. 15 Q. How long did you meet? 16 A. We met yesterday, 9:00 17 until it was around 3:00, maybe 18 3:15-ish. 19 Q. Okay. During that time 20 you review documents? 21 A. Yes. 22 Q. Did you review any tests	documents that would be dealing with your regulatory responsibilities, particularly in the area of controlled substances. A. I just want to make sure I understand the question. Did I Q. I can rephrase it if you'd like. A. Yeah, could you? Q. Do you have in your possession now, still, since leaving Henry Schein any documents from Henry Schein relative to your roles in regulatory affairs as they relate to controlled substances? A. I may have. I may have some A. I may have. I may have some A. I may have in your regulatory affairs as they relate to controlled substances? A. I may have. I may have some A. I may have. I may have some A. I may have. I may have some A. Documents that I A. Documents that I, you know, worked on, were, you know, my documents, imony

Page 22 ¹ product, are you talking about documents 1 that every document we showed him had a Henry Schein Bates number ² related to actual litigation or documents 2 ³ that were maintained in the ordinary from this litigation. 3 ⁴ course of business? MR. MIGLIORI: Okay. So 5 every -- every document that he A. No documents related to 6 saw, you have produced to us? ⁶ litigation. Documents that were ⁷ maintained in the order -- you know, 7 MR. McDONALD: Correct. If 8 it was from a third party, it ⁸ normal course of business. Q. And did counsel ask you to 9 was -- it's not like Buzzeo, for ¹⁰ bring those documents with you, to the 10 example, maintained in Henry 11 extent that they were related to your job 11 Schein files. 12 as director of regulatory affairs? MR. MIGLIORI: Right. Or 13 A. No. 13 Rannazzisi letters. 14 14 Q. Are they in a place Anything that --15 that's -- that you -- strike that. 15 Mr. McDONALD: Correct. Do you know where the 16 16 MR. MIGLIORI: Whatever you ¹⁷ documents are, are you able to gather 17 showed him, showed up in my those documents and produce those, if 18 production. required by your counsel? 19 MR. McDONALD: Correct. 20 A. I would have to locate them. BY MR. MIGLIORI: ²¹ Yeah. Q. And that's all I'm trying to 22 22 get it. Q. Okay. Any -- so all the 23 ²³ documents you reviewed yesterday for the Before we get started, ²⁴ whatever it is that you've looked at, 24 six hours or so were documents that Page 23 Page 25 ¹ counsel brought to you? ¹ I've had a chance to look at myself? A. Correct. A. Correct. Yeah, I just Q. I assume they were things ³ wanted to make sure I understood the ⁴ like e-mails and PowerPoint presentations ⁴ question. ⁵ and various documents internal to Henry Q. Sure. And you wouldn't be in a position to answer that, so that was ⁶ Schein? 7 A. Correct. a hard one. Q. Were there any external A. Okay. Q. Okay. Would you say you've ⁹ documents, documents from outside the 10 company that you were asked to review to never had a deposition taken of you ¹¹ your knowledge? 11 before? A. I want to make sure I A. No. ¹³ understand the question. When you say 13 Q. All right. I don't have -documents outside the company? do you maintain a current curriculum Q. Any documents that would be 15 15 vitae? ¹⁶ from -- that would have been maintained A. No. 16 17 by somebody other than Henry Schein. (Document marked for 18 A. Maintained by someone other identification as Exhibit ¹⁹ than Henry Schein or produced by someone 19 Schein-DiBello-2.) other than Henry Schein? BY MR. MIGLIORI: 21 O. Either. If that's an 21 Q. This is just a snapshot of ²² important distinction. ²² your -- this is Exhibit Number 2 -- of your LinkedIn page. 23 MR. McDONALD: I'll shortcut 24 24 this, Don, and represent to you A. Okay.

	Page 26	Τ	Page 28
1	_	1	were?
2	Q. From what I can tell.	2	
3	A. Okay.	3	A. I'm sorry?
	Q. It says, "Michael DiBello,		Q. Which incurcal devices were
4	the president and departy general counser	5	they, that you were working on?
5	at Aceto Corp. and Rising Pharma." This		A. They were medical devices
7	is you, correct?	I _	which included anything from the medical
	A. Yes.	7	oubliness excuse me. I have a sore
8	Q. And with Aceto, those dates	8	tinoat. Tapologize.
9	are correct, October 12th, 2012, to	9	So, the medical devices
10	present?		included everything in the medical
11	A. Correct.		business, which ranged from masks,
12	Q. And your office is in Port		examination gloves, instruments, to
- 1	Washington, New York?		dental devices, again, you know, anything
14	A. Correct.		that a dentist would use in their
15	Q. All right. The period of		practice. Generally speaking, low risk
16	time that were going to be tanking about	16	
17	today is your time at from y selfer file.	17	stents.
18	It says, "Director of regulatory affairs	18	Henry Schein did not make
19	and regulatory counsel, April 1996 to	19	again, let me be clear. Henry Schein did
20	2012."	20	not manufacture these devices. They
21	First of all, those are the	21	simply had their private label name on
22	correct dates of your employment?	22	them.
23	A. Correct.	23	Q. Gotcha.
24	Q. Were you director the entire	24	Was that all of your
	Page 27		Page 29
1	_		1 "60 =>
- 1	time?	1	responsibilities as a quality manager?
2	time?	1 2	responsibilities as a quality manager?
2	A. No.	2	A. At that time, that was
3	A. No.Q. Okay. What did you hire in	3	A. At that time, that was the that was my primary role.
	A. No. Q. Okay. What did you hire in as?	3 4	A. At that time, that was the that was my primary role. Q. And that started in April of
3 4 5	A. No. Q. Okay. What did you hire in as? A. I hired in as the quality	2 3 4 5	A. At that time, that was the that was my primary role. Q. And that started in April of '96. How long did that last, that role?
3 4 5 6	A. No. Q. Okay. What did you hire in as? A. I hired in as the quality manager.	2 3 4 5 6	 A. At that time, that was the that was my primary role. Q. And that started in April of '96. How long did that last, that role? A. Approximately two years.
3 4 5 6 7	A. No. Q. Okay. What did you hire in as? A. I hired in as the quality manager. Q. And what responsibilities	2 3 4 5 6 7	A. At that time, that was the that was my primary role. Q. And that started in April of '96. How long did that last, that role? A. Approximately two years. '96, '90 probably into three years.
3 4 5 6 7 8	A. No. Q. Okay. What did you hire in as? A. I hired in as the quality manager. Q. And what responsibilities did you have as quality manager?	2 3 4 5 6 7 8	A. At that time, that was the that was my primary role. Q. And that started in April of '96. How long did that last, that role? A. Approximately two years. '96, '90 probably into three years. Q. Sometime in 1999?
3 4 5 6 7 8 9	A. No. Q. Okay. What did you hire in as? A. I hired in as the quality manager. Q. And what responsibilities did you have as quality manager? A. My primary responsibility	2 3 4 5 6 7 8	A. At that time, that was the that was my primary role. Q. And that started in April of '96. How long did that last, that role? A. Approximately two years. '96, '90 probably into three years. Q. Sometime in 1999? A. Yeah. Approximately 1999 my
3 4 5 6 7 8 9	A. No. Q. Okay. What did you hire in as? A. I hired in as the quality manager. Q. And what responsibilities did you have as quality manager? A. My primary responsibility was to develop and implement a quality	2 3 4 5 6 7 8 9	A. At that time, that was the that was my primary role. Q. And that started in April of '96. How long did that last, that role? A. Approximately two years. '96, '90 probably into three years. Q. Sometime in 1999? A. Yeah. Approximately 1999 my role expanded to include the regulatory
3 4 5 6 7 8 9 10	A. No. Q. Okay. What did you hire in as? A. I hired in as the quality manager. Q. And what responsibilities did you have as quality manager? A. My primary responsibility was to develop and implement a quality management system to certify the company	2 3 4 5 6 7 8 9 10	A. At that time, that was the that was my primary role. Q. And that started in April of '96. How long did that last, that role? A. Approximately two years. '96, '90 probably into three years. Q. Sometime in 1999? A. Yeah. Approximately 1999 my role expanded to include the regulatory function and compliance.
3 4 5 6 7 8 9 10 11	A. No. Q. Okay. What did you hire in as? A. I hired in as the quality manager. Q. And what responsibilities did you have as quality manager? A. My primary responsibility was to develop and implement a quality management system to certify the company to ISO 9000 quality, the international	2 3 4 5 6 7 8 9 10 11 12	A. At that time, that was the that was my primary role. Q. And that started in April of '96. How long did that last, that role? A. Approximately two years. '96, '90 probably into three years. Q. Sometime in 1999? A. Yeah. Approximately 1999 my role expanded to include the regulatory function and compliance. Q. Before we get to that, from
3 4 5 6 7 8 9 10 11 12 13	A. No. Q. Okay. What did you hire in as? A. I hired in as the quality manager. Q. And what responsibilities did you have as quality manager? A. My primary responsibility was to develop and implement a quality management system to certify the company to ISO 9000 quality, the international ISO 9000 quality system standard, and to	2 3 4 5 6 7 8 9 10 11 12 13	A. At that time, that was the that was my primary role. Q. And that started in April of '96. How long did that last, that role? A. Approximately two years. '96, '90 probably into three years. Q. Sometime in 1999? A. Yeah. Approximately 1999 my role expanded to include the regulatory function and compliance. Q. Before we get to that, from 1996 to 1999, did you have any
3 4 5 6 7 8 9 10 11 12 13 14	A. No. Q. Okay. What did you hire in as? A. I hired in as the quality manager. Q. And what responsibilities did you have as quality manager? A. My primary responsibility was to develop and implement a quality management system to certify the company to ISO 9000 quality, the international ISO 9000 quality system standard, and to CE Mark their private label products,	2 3 4 5 6 7 8 9 10 11 12 13	A. At that time, that was the that was my primary role. Q. And that started in April of '96. How long did that last, that role? A. Approximately two years. '96, '90 probably into three years. Q. Sometime in 1999? A. Yeah. Approximately 1999 my role expanded to include the regulatory function and compliance. Q. Before we get to that, from 1996 to 1999, did you have any responsibilities whatsoever relative to
3 4 5 6 7 8 9 10 11 12 13 14 15	A. No. Q. Okay. What did you hire in as? A. I hired in as the quality manager. Q. And what responsibilities did you have as quality manager? A. My primary responsibility was to develop and implement a quality management system to certify the company to ISO 9000 quality, the international ISO 9000 quality system standard, and to CE Mark their private label products, medical dental products for	2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. At that time, that was the that was my primary role. Q. And that started in April of '96. How long did that last, that role? A. Approximately two years. '96, '90 probably into three years. Q. Sometime in 1999? A. Yeah. Approximately 1999 my role expanded to include the regulatory function and compliance. Q. Before we get to that, from 1996 to 1999, did you have any responsibilities whatsoever relative to controlled substances?
3 4 5 6 7 8 8 9 10 11 12 13 14 15 16	A. No. Q. Okay. What did you hire in as? A. I hired in as the quality manager. Q. And what responsibilities did you have as quality manager? A. My primary responsibility was to develop and implement a quality management system to certify the company to ISO 9000 quality, the international ISO 9000 quality system standard, and to CE Mark their private label products, medical dental products for distribution they were already you	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. At that time, that was the that was my primary role. Q. And that started in April of '96. How long did that last, that role? A. Approximately two years. '96, '90 probably into three years. Q. Sometime in 1999? A. Yeah. Approximately 1999 my role expanded to include the regulatory function and compliance. Q. Before we get to that, from 1996 to 1999, did you have any responsibilities whatsoever relative to controlled substances? A. No.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. No. Q. Okay. What did you hire in as? A. I hired in as the quality manager. Q. And what responsibilities did you have as quality manager? A. My primary responsibility was to develop and implement a quality management system to certify the company to ISO 9000 quality, the international ISO 9000 quality system standard, and to CE Mark their private label products, medical dental products for distribution they were already you know, selling worldwide.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. At that time, that was the that was my primary role. Q. And that started in April of '96. How long did that last, that role? A. Approximately two years. '96, '90 probably into three years. Q. Sometime in 1999? A. Yeah. Approximately 1999 my role expanded to include the regulatory function and compliance. Q. Before we get to that, from 1996 to 1999, did you have any responsibilities whatsoever relative to controlled substances? A. No. Q. And during that period of
3 4 5 6 7 8 8 9 10 11 12 13 14 15 16 17 18	A. No. Q. Okay. What did you hire in as? A. I hired in as the quality manager. Q. And what responsibilities did you have as quality manager? A. My primary responsibility was to develop and implement a quality management system to certify the company to ISO 9000 quality, the international ISO 9000 quality system standard, and to CE Mark their private label products, medical dental products for distribution they were already you know, selling worldwide. But in 1996 there were new	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. At that time, that was the that was my primary role. Q. And that started in April of '96. How long did that last, that role? A. Approximately two years. '96, '90 probably into three years. Q. Sometime in 1999? A. Yeah. Approximately 1999 my role expanded to include the regulatory function and compliance. Q. Before we get to that, from 1996 to 1999, did you have any responsibilities whatsoever relative to controlled substances? A. No. Q. And during that period of time, did you have any responsibilities
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. No. Q. Okay. What did you hire in as? A. I hired in as the quality manager. Q. And what responsibilities did you have as quality manager? A. My primary responsibility was to develop and implement a quality management system to certify the company to ISO 9000 quality, the international ISO 9000 quality system standard, and to CE Mark their private label products, medical dental products for distribution they were already you know, selling worldwide. But in 1996 there were new medical device directives that were being	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. At that time, that was the that was my primary role. Q. And that started in April of '96. How long did that last, that role? A. Approximately two years. '96, '90 probably into three years. Q. Sometime in 1999? A. Yeah. Approximately 1999 my role expanded to include the regulatory function and compliance. Q. Before we get to that, from 1996 to 1999, did you have any responsibilities whatsoever relative to controlled substances? A. No. Q. And during that period of time, did you have any responsibilities relative to regulatory compliance in the
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. No. Q. Okay. What did you hire in as? A. I hired in as the quality manager. Q. And what responsibilities did you have as quality manager? A. My primary responsibility was to develop and implement a quality management system to certify the company to ISO 9000 quality, the international ISO 9000 quality system standard, and to CE Mark their private label products, medical dental products for distribution they were already you know, selling worldwide. But in 1996 there were new medical device directives that were being implemented that required the CE Mark	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. At that time, that was the that was my primary role. Q. And that started in April of '96. How long did that last, that role? A. Approximately two years. '96, '90 probably into three years. Q. Sometime in 1999? A. Yeah. Approximately 1999 my role expanded to include the regulatory function and compliance. Q. Before we get to that, from 1996 to 1999, did you have any responsibilities whatsoever relative to controlled substances? A. No. Q. And during that period of time, did you have any responsibilities relative to regulatory compliance in the area of controlled substances?
3 4 4 5 6 6 7 8 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. No. Q. Okay. What did you hire in as? A. I hired in as the quality manager. Q. And what responsibilities did you have as quality manager? A. My primary responsibility was to develop and implement a quality management system to certify the company to ISO 9000 quality, the international ISO 9000 quality system standard, and to CE Mark their private label products, medical dental products for distribution they were already you know, selling worldwide. But in 1996 there were new medical device directives that were being implemented that required the CE Mark certification for distribution into	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. At that time, that was the that was my primary role. Q. And that started in April of '96. How long did that last, that role? A. Approximately two years. '96, '90 probably into three years. Q. Sometime in 1999? A. Yeah. Approximately 1999 my role expanded to include the regulatory function and compliance. Q. Before we get to that, from 1996 to 1999, did you have any responsibilities whatsoever relative to controlled substances? A. No. Q. And during that period of time, did you have any responsibilities relative to regulatory compliance in the area of controlled substances? A. No.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. No. Q. Okay. What did you hire in as? A. I hired in as the quality manager. Q. And what responsibilities did you have as quality manager? A. My primary responsibility was to develop and implement a quality management system to certify the company to ISO 9000 quality, the international ISO 9000 quality system standard, and to CE Mark their private label products, medical dental products for distribution they were already you know, selling worldwide. But in 1996 there were new medical device directives that were being implemented that required the CE Mark certification for distribution into Europe. That was my initial	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. At that time, that was the that was my primary role. Q. And that started in April of '96. How long did that last, that role? A. Approximately two years. '96, '90 probably into three years. Q. Sometime in 1999? A. Yeah. Approximately 1999 my role expanded to include the regulatory function and compliance. Q. Before we get to that, from 1996 to 1999, did you have any responsibilities whatsoever relative to controlled substances? A. No. Q. And during that period of time, did you have any responsibilities relative to regulatory compliance in the area of controlled substances? A. No. Q. Did you have any regulatory
3 4 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. No. Q. Okay. What did you hire in as? A. I hired in as the quality manager. Q. And what responsibilities did you have as quality manager? A. My primary responsibility was to develop and implement a quality management system to certify the company to ISO 9000 quality, the international ISO 9000 quality system standard, and to CE Mark their private label products, medical dental products for distribution they were already you know, selling worldwide. But in 1996 there were new medical device directives that were being implemented that required the CE Mark certification for distribution into	2 3 4 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. At that time, that was the that was my primary role. Q. And that started in April of '96. How long did that last, that role? A. Approximately two years. '96, '90 probably into three years. Q. Sometime in 1999? A. Yeah. Approximately 1999 my role expanded to include the regulatory function and compliance. Q. Before we get to that, from 1996 to 1999, did you have any responsibilities whatsoever relative to controlled substances? A. No. Q. And during that period of time, did you have any responsibilities relative to regulatory compliance in the area of controlled substances? A. No. Q. Did you have any regulatory

	igniy Confidential - Subject to	_	-
	Page 30		Page 32
1	European	1	A. Correct.
2	A. Right. No.	2	Q. And then after you left
3	Q. Before we get to 1999, I	3	Underwriters Laboratories, there's a
4	want to drop really quickly to	4	two-year gap between 1996 and 1998 that's
5	Underwriters Laboratories. It lists here	5	not accounted for, that I can see on this
6	from June of 1987 to April of 1996.	6	short bio.
7	Almost nine years you were at a company	7	What did you do in those two
8	called Underwriters Laboratories?	8	years?
9	A. Correct.	9	MR. McDONALD: I'm sorry,
10	Q. And there you were a senior	10	where where are you looking at,
11	- · · · · · · · · · · · · · · · · · · ·	11	Don? I don't see a gap.
12	A. Correct.	12	MR. MIGLIORI: I'm sorry.
13	Q. What were your	13	BY MR. MIGLIORI:
14	responsibilities there?	14	Q. I see that you left
15	A. My responsibilities at UL	15	Underwriters in April of 1996 and you
16	included quality system audits, to audit		started law school in 1998. And I'm just
17	and certify manufacturers. And those	l .	asking you what happened between those
18	audits included military standard quality		two years.
	system audits for the government,	19	MR. McDONALD: Okay. But
1	including independent third-party audits	20	his he shows that he is at
	in accordance with the ISO 9000 quality	21	Henry Schein in 1996.
1	standard, the international ISO 9000	22	MR. MIGLIORI: Okay.
1	standard.	23	THE WITNESS: I was working
24	Q. Same questions, during that	24	at Henry Schein.
	<u> </u>		•
	Page 31		Page 33
	period of time, from 1987 to 1996, did	1	BY MR. MIGLIORI:
2	period of time, from 1987 to 1996, did you have any responsibilities whatsoever	2	BY MR. MIGLIORI: Q. Okay. So you got your law
2	period of time, from 1987 to 1996, did	2	BY MR. MIGLIORI:
2	period of time, from 1987 to 1996, did you have any responsibilities whatsoever relative to controlled substances? A. No.	2	BY MR. MIGLIORI: Q. Okay. So you got your law
2	period of time, from 1987 to 1996, did you have any responsibilities whatsoever relative to controlled substances?	3	BY MR. MIGLIORI: Q. Okay. So you got your law degree while you were at Henry Schein?
2 3 4 5	period of time, from 1987 to 1996, did you have any responsibilities whatsoever relative to controlled substances? A. No.	3	BY MR. MIGLIORI: Q. Okay. So you got your law degree while you were at Henry Schein? A. Correct.
2 3 4 5 6	period of time, from 1987 to 1996, did you have any responsibilities whatsoever relative to controlled substances? A. No. Q. In that period of time from	2 3 4 5	BY MR. MIGLIORI: Q. Okay. So you got your law degree while you were at Henry Schein? A. Correct. Q. All right.
2 3 4 5 6 7	period of time, from 1987 to 1996, did you have any responsibilities whatsoever relative to controlled substances? A. No. Q. In that period of time from 1987 to 1996, did you have any	2 3 4 5 6 7	BY MR. MIGLIORI: Q. Okay. So you got your law degree while you were at Henry Schein? A. Correct. Q. All right. A. 1998 I went to Touro.
2 3 4 5 6 7	period of time, from 1987 to 1996, did you have any responsibilities whatsoever relative to controlled substances? A. No. Q. In that period of time from 1987 to 1996, did you have any responsibilities relative to regulatory	2 3 4 5 6 7 8	BY MR. MIGLIORI: Q. Okay. So you got your law degree while you were at Henry Schein? A. Correct. Q. All right. A. 1998 I went to Touro. Q. Okay. So you went right
2 3 4 5 6 7 8	period of time, from 1987 to 1996, did you have any responsibilities whatsoever relative to controlled substances? A. No. Q. In that period of time from 1987 to 1996, did you have any responsibilities relative to regulatory compliance, other than the ISO 9000	2 3 4 5 6 7 8	BY MR. MIGLIORI: Q. Okay. So you got your law degree while you were at Henry Schein? A. Correct. Q. All right. A. 1998 I went to Touro. Q. Okay. So you went right from UL to Henry Schein. And then after
2 3 4 5 6 7 8	period of time, from 1987 to 1996, did you have any responsibilities whatsoever relative to controlled substances? A. No. Q. In that period of time from 1987 to 1996, did you have any responsibilities relative to regulatory compliance, other than the ISO 9000 standards?	2 3 4 5 6 7 8 9	BY MR. MIGLIORI: Q. Okay. So you got your law degree while you were at Henry Schein? A. Correct. Q. All right. A. 1998 I went to Touro. Q. Okay. So you went right from UL to Henry Schein. And then after two years, while you were still a quality
2 3 4 5 6 7 8 9	period of time, from 1987 to 1996, did you have any responsibilities whatsoever relative to controlled substances? A. No. Q. In that period of time from 1987 to 1996, did you have any responsibilities relative to regulatory compliance, other than the ISO 9000 standards? A. No. Q. And your educational	2 3 4 5 6 7 8 9	BY MR. MIGLIORI: Q. Okay. So you got your law degree while you were at Henry Schein? A. Correct. Q. All right. A. 1998 I went to Touro. Q. Okay. So you went right from UL to Henry Schein. And then after two years, while you were still a quality manager at Henry Schein, that's when you
2 3 4 5 6 7 8 9 10	period of time, from 1987 to 1996, did you have any responsibilities whatsoever relative to controlled substances? A. No. Q. In that period of time from 1987 to 1996, did you have any responsibilities relative to regulatory compliance, other than the ISO 9000 standards? A. No. Q. And your educational background is you have a BS in	2 3 4 5 6 7 8 9 10	BY MR. MIGLIORI: Q. Okay. So you got your law degree while you were at Henry Schein? A. Correct. Q. All right. A. 1998 I went to Touro. Q. Okay. So you went right from UL to Henry Schein. And then after two years, while you were still a quality manager at Henry Schein, that's when you started law school at Touro, correct?
2 3 4 5 6 7 8 9 10 11	period of time, from 1987 to 1996, did you have any responsibilities whatsoever relative to controlled substances? A. No. Q. In that period of time from 1987 to 1996, did you have any responsibilities relative to regulatory compliance, other than the ISO 9000 standards? A. No. Q. And your educational background is you have a BS in	2 3 4 5 6 7 8 9 10 11 12 13	BY MR. MIGLIORI: Q. Okay. So you got your law degree while you were at Henry Schein? A. Correct. Q. All right. A. 1998 I went to Touro. Q. Okay. So you went right from UL to Henry Schein. And then after two years, while you were still a quality manager at Henry Schein, that's when you started law school at Touro, correct? A. Correct.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	period of time, from 1987 to 1996, did you have any responsibilities whatsoever relative to controlled substances? A. No. Q. In that period of time from 1987 to 1996, did you have any responsibilities relative to regulatory compliance, other than the ISO 9000 standards? A. No. Q. And your educational background is you have a BS in electrical engineering from NYU, correct? A. At the time it was Polytechnic Institute. They were later merged into yeah, it was NYU. Q. Okay.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	BY MR. MIGLIORI: Q. Okay. So you got your law degree while you were at Henry Schein? A. Correct. Q. All right. A. 1998 I went to Touro. Q. Okay. So you went right from UL to Henry Schein. And then after two years, while you were still a quality manager at Henry Schein, that's when you started law school at Touro, correct? A. Correct. Q. Was that a part-time law school? A. Correct. Q. And you got your law degree in 2002? A. Correct.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	period of time, from 1987 to 1996, did you have any responsibilities whatsoever relative to controlled substances? A. No. Q. In that period of time from 1987 to 1996, did you have any responsibilities relative to regulatory compliance, other than the ISO 9000 standards? A. No. Q. And your educational background is you have a BS in electrical engineering from NYU, correct? A. At the time it was Polytechnic Institute. They were later merged into yeah, it was NYU. Q. Okay. A. Now it's all part of NYU, but	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	BY MR. MIGLIORI: Q. Okay. So you got your law degree while you were at Henry Schein? A. Correct. Q. All right. A. 1998 I went to Touro. Q. Okay. So you went right from UL to Henry Schein. And then after two years, while you were still a quality manager at Henry Schein, that's when you started law school at Touro, correct? A. Correct. Q. Was that a part-time law school? A. Correct. Q. And you got your law degree in 2002? A. Correct. Q. And then it says, "Columbia
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	period of time, from 1987 to 1996, did you have any responsibilities whatsoever relative to controlled substances? A. No. Q. In that period of time from 1987 to 1996, did you have any responsibilities relative to regulatory compliance, other than the ISO 9000 standards? A. No. Q. And your educational background is you have a BS in electrical engineering from NYU, correct? A. At the time it was Polytechnic Institute. They were later merged into yeah, it was NYU. Q. Okay. A. Now it's all part of NYU, but Q. It wasn't NYU at the time?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	BY MR. MIGLIORI: Q. Okay. So you got your law degree while you were at Henry Schein? A. Correct. Q. All right. A. 1998 I went to Touro. Q. Okay. So you went right from UL to Henry Schein. And then after two years, while you were still a quality manager at Henry Schein, that's when you started law school at Touro, correct? A. Correct. Q. Was that a part-time law school? A. Correct. Q. And you got your law degree in 2002? A. Correct. Q. And then it says, "Columbia Business School, Certificate in Business
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	period of time, from 1987 to 1996, did you have any responsibilities whatsoever relative to controlled substances? A. No. Q. In that period of time from 1987 to 1996, did you have any responsibilities relative to regulatory compliance, other than the ISO 9000 standards? A. No. Q. And your educational background is you have a BS in electrical engineering from NYU, correct? A. At the time it was Polytechnic Institute. They were later merged into yeah, it was NYU. Q. Okay. A. Now it's all part of NYU, but Q. It wasn't NYU at the time? A. It wasn't NYU at the time.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	BY MR. MIGLIORI: Q. Okay. So you got your law degree while you were at Henry Schein? A. Correct. Q. All right. A. 1998 I went to Touro. Q. Okay. So you went right from UL to Henry Schein. And then after two years, while you were still a quality manager at Henry Schein, that's when you started law school at Touro, correct? A. Correct. Q. Was that a part-time law school? A. Correct. Q. And you got your law degree in 2002? A. Correct. Q. And then it says, "Columbia Business School, Certificate in Business Excellence." What is that program, in
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	period of time, from 1987 to 1996, did you have any responsibilities whatsoever relative to controlled substances? A. No. Q. In that period of time from 1987 to 1996, did you have any responsibilities relative to regulatory compliance, other than the ISO 9000 standards? A. No. Q. And your educational background is you have a BS in electrical engineering from NYU, correct? A. At the time it was Polytechnic Institute. They were later merged into yeah, it was NYU. Q. Okay. A. Now it's all part of NYU, but Q. It wasn't NYU at the time? A. It wasn't NYU at the time. It's now NYU.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	BY MR. MIGLIORI: Q. Okay. So you got your law degree while you were at Henry Schein? A. Correct. Q. All right. A. 1998 I went to Touro. Q. Okay. So you went right from UL to Henry Schein. And then after two years, while you were still a quality manager at Henry Schein, that's when you started law school at Touro, correct? A. Correct. Q. Was that a part-time law school? A. Correct. Q. And you got your law degree in 2002? A. Correct. Q. And then it says, "Columbia Business School, Certificate in Business Excellence." What is that program, in 2008 to 2011?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	period of time, from 1987 to 1996, did you have any responsibilities whatsoever relative to controlled substances? A. No. Q. In that period of time from 1987 to 1996, did you have any responsibilities relative to regulatory compliance, other than the ISO 9000 standards? A. No. Q. And your educational background is you have a BS in electrical engineering from NYU, correct? A. At the time it was Polytechnic Institute. They were later merged into yeah, it was NYU. Q. Okay. A. Now it's all part of NYU, but Q. It wasn't NYU at the time? A. It wasn't NYU at the time.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	BY MR. MIGLIORI: Q. Okay. So you got your law degree while you were at Henry Schein? A. Correct. Q. All right. A. 1998 I went to Touro. Q. Okay. So you went right from UL to Henry Schein. And then after two years, while you were still a quality manager at Henry Schein, that's when you started law school at Touro, correct? A. Correct. Q. Was that a part-time law school? A. Correct. Q. And you got your law degree in 2002? A. Correct. Q. And then it says, "Columbia Business School, Certificate in Business Excellence." What is that program, in

	Dogo 24		Dogo 26
	Page 34		Page 36
	classes and courses. I think it's 24	1	affairs? Did you have any training
	credits over a period of time, two years		whatsoever in regulatory affairs in
3	or so. And you get a certificate from	3	your in your courses?
4	Columbia Business School for their	4	A. No.
5	this mini MBA program.	5	Q. At Underwriters
6	Q. Okay.	6	Laboratories, you had no experience or
7	A. Executive they call it	7	background in domestic regulatory
8	executive MBA program.	8	affairs, correct?
9	Q. You don't actually receive a	9	
10	masters in business administration, do	10	
11	you?	11	
12	A. No. It's not a masters.	12	United States.
13	It's a mini MBA program.	13	
14	Q. Okay.	14	
15	A. Executive MBA program, they		years at Henry Schein from 1996 to 1999,
	call it, for executives.		you had no roles relative to regulatory
17		17	•
	Q. And is that the one that's		arrains in the Chited States on any issue
19	actually in the business school, or is	1	including on issues relating to
	that one that's part of the journalism	20	controlled substances, correct?
20	school?		A. Concct.
21	A. I'm not familiar with the	21	Q. Thi fight. So we'll get
	journalism school.	1	back up to Henry Schein. So in 1999 your
23	Q. Okay.		job title changed from quality manager to
24	A. I think it's the business	24	what?
	Page 35		Page 37
1	_	1	_
1 2	school.		A. I believe it was director of
	school. Q. Okay. And you got a		A. I believe it was director of quality or QA.
	school. Q. Okay. And you got a certificate in 2011 there, while you	3	A. I believe it was director of quality or QA. Q. Tell me how your
	school. Q. Okay. And you got a certificate in 2011 there, while you again you were still at Henry Schein?	3	A. I believe it was director of quality or QA. Q. Tell me how your responsibilities changed in that role.
2 3 4 5	school. Q. Okay. And you got a certificate in 2011 there, while you again you were still at Henry Schein? A. Correct.	2 3 4 5	 A. I believe it was director of quality or QA. Q. Tell me how your responsibilities changed in that role. A. The change was due to a
2 3 4 5 6	school. Q. Okay. And you got a certificate in 2011 there, while you again you were still at Henry Schein? A. Correct. Q. And that I assume was	2 3 4 5	A. I believe it was director of quality or QA. Q. Tell me how your responsibilities changed in that role. A. The change was due to a promotion from manager to director level.
2 3 4 5 6 7	school. Q. Okay. And you got a certificate in 2011 there, while you again you were still at Henry Schein? A. Correct. Q. And that I assume was part-time or evenings or something like	2 3 4 5 6 7	A. I believe it was director of quality or QA. Q. Tell me how your responsibilities changed in that role. A. The change was due to a promotion from manager to director level. And the the role basically changed in
2 3 4 5 6 7 8	school. Q. Okay. And you got a certificate in 2011 there, while you again you were still at Henry Schein? A. Correct. Q. And that I assume was part-time or evenings or something like that?	2 3 4 5 6 7 8	A. I believe it was director of quality or QA. Q. Tell me how your responsibilities changed in that role. A. The change was due to a promotion from manager to director level. And the the role basically changed in that it expanded from corporate quality
2 3 4 5 6 7 8	school. Q. Okay. And you got a certificate in 2011 there, while you again you were still at Henry Schein? A. Correct. Q. And that I assume was part-time or evenings or something like that? A. It was not evenings. It	2 3 4 5 6 7 8	A. I believe it was director of quality or QA. Q. Tell me how your responsibilities changed in that role. A. The change was due to a promotion from manager to director level. And the the role basically changed in that it expanded from corporate quality management system certification to
2 3 4 5 6 7 8 9	school. Q. Okay. And you got a certificate in 2011 there, while you again you were still at Henry Schein? A. Correct. Q. And that I assume was part-time or evenings or something like that? A. It was not evenings. It was they had credits that courses	2 3 4 5 6 7 8 9	A. I believe it was director of quality or QA. Q. Tell me how your responsibilities changed in that role. A. The change was due to a promotion from manager to director level. And the the role basically changed in that it expanded from corporate quality management system certification to rolling out the ISO certification to
2 3 4 5 6 7 8 9 10	school. Q. Okay. And you got a certificate in 2011 there, while you again you were still at Henry Schein? A. Correct. Q. And that I assume was part-time or evenings or something like that? A. It was not evenings. It was they had credits that courses that were either two, three, four or	2 3 4 5 6 7 8 9 10	A. I believe it was director of quality or QA. Q. Tell me how your responsibilities changed in that role. A. The change was due to a promotion from manager to director level. And the the role basically changed in that it expanded from corporate quality management system certification to rolling out the ISO certification to Henry Schein's distribution centers.
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2 3 4 5 6 7 8 9 10 11 12 13	school. Q. Okay. And you got a certificate in 2011 there, while you again you were still at Henry Schein? A. Correct. Q. And that I assume was part-time or evenings or something like that? A. It was not evenings. It was they had credits that courses that were either two, three, four or week-long courses that you took during that period.	2 3 4 5 6 7 8 9 10 11 12 13	A. I believe it was director of quality or QA. Q. Tell me how your responsibilities changed in that role. A. The change was due to a promotion from manager to director level. And the the role basically changed in that it expanded from corporate quality management system certification to rolling out the ISO certification to Henry Schein's distribution centers. Q. The ISO responsibilities up until this point had been for the
2 3 4 5 6 7 8 9 10 11 12 13 14	school. Q. Okay. And you got a certificate in 2011 there, while you again you were still at Henry Schein? A. Correct. Q. And that I assume was part-time or evenings or something like that? A. It was not evenings. It was they had credits that courses that were either two, three, four or week-long courses that you took during that period. Q. Okay. And what did you	2 3 4 5 6 7 8 9 10 11 12 13 14	A. I believe it was director of quality or QA. Q. Tell me how your responsibilities changed in that role. A. The change was due to a promotion from manager to director level. And the the role basically changed in that it expanded from corporate quality management system certification to rolling out the ISO certification to Henry Schein's distribution centers. Q. The ISO responsibilities up until this point had been for the international market, correct?
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Page 38	Page 40
¹ now became not just a corporate	1 A. Yes.
² certification for the European market,	Q. And then there's attached to
but implementing a quality management	3 that is an organizational chart that
⁴ system for Henry Schein's distribution	⁴ actually has a revision date of
⁵ centers.	5 October 7, 2007.
⁶ Q. At this point in 1999, are	Do you see that on the page?
you now in dealing with the	7 A. Yes.
8 distribution centers, are you now	8 Q. Okay. First, before we get
9 responsible for any issues relating to	⁹ to the organizational chart, the Henry
ontrolled substances?	Schein Inc. export compliance program
11 A. 1999, no. I don't I	¹¹ corporate procedural manual, what is
don't believe so.	that? What is the export compliance
Q. Did you have any	¹³ program?
14 responsibilities relative to suspicious	14 A. The export compliance
order monitoring systems or standard	¹⁵ program was a manual procedural that we
order moments systems or standard operating procedures, relative to	program was a manual procedural that we put in place to ensure compliance with
17 controlled substances?	¹⁷ export controls, regulations.
A. I don't believe so, not in	Q. Is it a reasonable
¹⁹ 1999.	assumption by export, it's referring
Q. How long did you hold that	20 to international shipments?
²¹ job as director of quality assurance?	21 A. Yes.
A. I don't recall when my	Q. So this document primarily
23 the exact time when when I was	²³ relates to international distribution of
²⁴ promoted to director of regulatory	²⁴ Henry Schein products?
	1
Page 20	Dog 41
Page 39	Page 41
¹ affairs. But probably within a few years	¹ A. Yes.
 affairs. But probably within a few years after that. 	 A. Yes. Q. Would that include
 affairs. But probably within a few years after that. Q. Okay. 	 A. Yes. Q. Would that include controlled substances?
 affairs. But probably within a few years after that. Q. Okay. (Document marked for 	 A. Yes. Q. Would that include controlled substances? A. I don't recall.
 affairs. But probably within a few years after that. Q. Okay. (Document marked for identification as Exhibit 	 A. Yes. Q. Would that include controlled substances? A. I don't recall. Q. Okay. If you go to the
 affairs. But probably within a few years after that. Q. Okay. (Document marked for identification as Exhibit Schein-DiBello-3.) 	 A. Yes. Q. Would that include controlled substances? A. I don't recall. Q. Okay. If you go to the third page, there is an organizational
 affairs. But probably within a few years after that. Q. Okay. (Document marked for identification as Exhibit Schein-DiBello-3.) BY MR. MIGLIORI: 	 A. Yes. Q. Would that include controlled substances? A. I don't recall. Q. Okay. If you go to the third page, there is an organizational chart. It has Henry Schein, Inc., senior
 affairs. But probably within a few years after that. Q. Okay. (Document marked for identification as Exhibit Schein-DiBello-3.) BY MR. MIGLIORI: Q. Let me show you Exhibit 	 A. Yes. Q. Would that include controlled substances? A. I don't recall. Q. Okay. If you go to the third page, there is an organizational chart. It has Henry Schein, Inc., senior advisory regulatory affairs
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 affairs. But probably within a few years after that. Q. Okay. (Document marked for identification as Exhibit Schein-DiBello-3.) BY MR. MIGLIORI: Q. Let me show you Exhibit Number 3. Exhibit Number 3 is a 	A. Yes. Q. Would that include controlled substances? A. I don't recall. Q. Okay. If you go to the third page, there is an organizational chart. It has Henry Schein, Inc., senior advisory regulatory affairs organizational chart, and it says, as of July 10, 2007.
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 affairs. But probably within a few years after that. Q. Okay. (Document marked for identification as Exhibit Schein-DiBello-3.) BY MR. MIGLIORI: Q. Let me show you Exhibit Number 3. Exhibit Number 3 is a document produced by Henry Schein. It's called the export compliance program 	1 A. Yes. 2 Q. Would that include 3 controlled substances? 4 A. I don't recall. 5 Q. Okay. If you go to the 6 third page, there is an organizational 7 chart. It has Henry Schein, Inc., senior 8 advisory regulatory affairs 9 organizational chart, and it says, as of 10 July 10, 2007. 11 And it has you listed under 12 L. David. Who is that?
 affairs. But probably within a few years after that. Q. Okay. (Document marked for identification as Exhibit Schein-DiBello-3.) BY MR. MIGLIORI: Q. Let me show you Exhibit Number 3. Exhibit Number 3 is a document produced by Henry Schein. It's called the export compliance program corporate procedural manual. 	1 A. Yes. 2 Q. Would that include 3 controlled substances? 4 A. I don't recall. 5 Q. Okay. If you go to the 6 third page, there is an organizational 7 chart. It has Henry Schein, Inc., senior 8 advisory regulatory affairs 9 organizational chart, and it says, as of 10 July 10, 2007. 11 And it has you listed under 12 L. David. Who is that? 13 A. Who is L. David?
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Page 42	Page 44
	¹ the seminars?
Q. Okay. Bo sometime between	² A. Correct. That's correct.
1999 and 2007 you took on a fole with	A. Concet. That's concet.
 regulatory affairs, correct? A. Correct. 	Q. This by trace associations,
	 did you attend HDMA conferences? A. That's correct.
Q. Whelever that was, between	
those two dates, is that when Zen Bavia	Q. Thi fight. They other trade
 became your supervisor? A. Correct. 	 associations that you can recall that you learned or were trained in the area of
	9 regulatory affairs?
Q. 7 m right. 7 ma up until	10 A. Another trade association
that point, you had no background in	¹¹ was the Health Industry Distribution
11 regulatory affairs, at least as it	-
related to controlled substances, correct?	 HIDA, Health Industry Distribution Association. I was also a member of the
14 A. Correct.	
A. Concet.	14 Food and Drug Law Institute. I was also
Q. When you became a director	15 a member of the New York State Bar
of regulatory arrains, and you take on	 Association, food and drug law group, which also had conferences and seminars.
any training relative to issues	
 18 concerning controlled substances? 19 A. Yes. 	Q. Okay. This of the documents
Q. When was that and what was	that you think you have in your own possession, are any of those related to
21 the training?	21 any of these conferences, seminars,
A. The training was ongoing.	²² didactic training sessions?
23 We always attended seminars, conferences,	23 A. You mean like
regardless of whether it was controlled	Q. Manuals, CLE handouts?
	Q. Manuais, CEE nandouts.
Page 43	Page 45
¹ substances, hazardous materials, FDA,	A. I probably do not have any
² DEA. It was ongoing training all the	² of those anymore just by virtue of the
³ time throughout my entire tenure.	³ fact that they would be outdated.
The training consisted of	Q. I don't keep mine either.
⁵ conferences, seminars at trade	⁵ Just curious.
6 associations, Food and Drug Law	6 This chart that's in front
⁷ Institute, and general general	⁷ of you right now.
8 training at, you know, it could be at a	8 A. Yes.
⁹ law firm, as well, for CLE credits. So	⁹ Q. Is this, at least as of
10 it was all of the above, and again	¹⁰ 2007, the regulatory scheme, the
throughout my entire tenure.	11 regulatory structure within your
Q. I all to say	12 department?
71. There was no formar, you	11. 105.
14 know, if you're looking for a formal	Q. Bo it has you directly under
15 college accredited curriculum, there was	Len David. And then under you A Excuse me
no formal college accredited program, per	Ti. Execuse me.
Se.	Q It has it. Refu,
Q. Is it fair to say that your	administrative assistant. Was that youradministrative assistant?
1-11-1-8 8 9 9 9 9	
on-the-job training? A. It also included on-the-job	A. Yes. Well, she supported to me.
A. It also included oil-the-job	inc whole group, but she reported to me.
22 training	
training. Okay In addition to the	Q. Okay. Underneath that,
 training. Q. Okay. In addition to the conferences and the trade association and 	

	<u> </u>	further Confidence	
	Page 46		Page 48
1	Sergio Tejeda.	responsibilities to the best of	of your
2	A. Okay.	recollection relative to the	Controlled
3	Q. What were his	Substances Act or controlle	ed substances?
4	responsibilities, and how did he what	A. At some point in t	time, I
5	was he responsible to report to you?	don't recall the exact time f	Frame, they
6	A. At that time, Sergio Tejeda	did have I know Mark ha	ad some
7	was responsible for the regulatory group	responsibilities with respec	et to
8	at GIV, which was general injectables and	controlled substances.	
	vaccines, in Virginia, they were based.	Q. Okay. Do you kn	low when and
10	He was he had a group that was	what it was?	
- 1	responsible for recalls and DEA and	A. I don't remember	the time
- 1	HAZMAT.	period. But I believe Mark	was
13	Q. Which, if it's represented	conducting due diligence a	
14	here, which group that reported to him	Sergio.	
- 1	was responsible for DEA?	Q. Tell me about Loi	iacono.
16	A. Well, there were individuals	A. Brian Loiacono w	
17	in his group that that had DEA	regulatory specialist, and h	
- 1	responsibilities. And those individuals	DEA audits and DEA function	
- 1	were Craig Schiavo, Brian Loiacono, Andy	But he also had other, let's	_
	Tiller, and Mark Wilburn.	other regulatory responsibi	•
21	Q. Okay. The other one that	Q. The DEA audits the	
22	seems to have been left off from the list	recall, were they specific to	•
	under him is Schmidt?	order monitoring or control	-
24	A. Correct.	substances? I'm still talkin	
		Saostanees. Thi still talking	
	Page 47		Dogo 40
	_		Page 49
1	Q. All right. Let's go through	Loiacono.	
2	Q. All right. Let's go through that. What were Tiller's	A. Yeah, Brian's role	e with
3	Q. All right. Let's go through that. What were Tiller's responsibilities with respect to DEA	A. Yeah, Brian's role Sergio was doing I believ	e with we he was
3 4	Q. All right. Let's go through that. What were Tiller's responsibilities with respect to DEA compliance?	A. Yeah, Brian's role Sergio was doing I believ doing the regulatory due di	e with ve he was ligence audits
3 4 5	Q. All right. Let's go through that. What were Tiller's responsibilities with respect to DEA compliance? A. So Andy Tiller was based at	A. Yeah, Brian's role Sergio was doing I believ doing the regulatory due di for the DEA you know, I	e with ve he was ligence audits
2 3 4 5 6	Q. All right. Let's go through that. What were Tiller's responsibilities with respect to DEA compliance? A. So Andy Tiller was based at GIV.	A. Yeah, Brian's role Sergio was doing I believ doing the regulatory due di for the DEA you know, I diligence audits.	e with we he was ligence audits DEA due
2 3 4 5	Q. All right. Let's go through that. What were Tiller's responsibilities with respect to DEA compliance? A. So Andy Tiller was based at GIV. Q. What does that stand for?	A. Yeah, Brian's role Sergio was doing I believ doing the regulatory due di for the DEA you know, I diligence audits. Q. Including controll	e with we he was ligence audits DEA due
2 3 4 5 6 7 8	Q. All right. Let's go through that. What were Tiller's responsibilities with respect to DEA compliance? A. So Andy Tiller was based at GIV. Q. What does that stand for? A. General injectables and	A. Yeah, Brian's role Sergio was doing I believ doing the regulatory due di for the DEA you know, I diligence audits.	e with we he was ligence audits DEA due
2 3 4 5 6 7 8	Q. All right. Let's go through that. What were Tiller's responsibilities with respect to DEA compliance? A. So Andy Tiller was based at GIV. Q. What does that stand for?	A. Yeah, Brian's role Sergio was doing I believ doing the regulatory due di for the DEA you know, I diligence audits. Q. Including controll substances? A. When you say inc	e with we he was ligence audits DEA due led
2 3 4 5 6 7 8	Q. All right. Let's go through that. What were Tiller's responsibilities with respect to DEA compliance? A. So Andy Tiller was based at GIV. Q. What does that stand for? A. General injectables and vaccines. Q. Okay.	A. Yeah, Brian's role Sergio was doing I believ doing the regulatory due di for the DEA you know, I diligence audits. Q. Including controll substances?	e with we he was ligence audits DEA due led
2 3 4 5 6 7 8	Q. All right. Let's go through that. What were Tiller's responsibilities with respect to DEA compliance? A. So Andy Tiller was based at GIV. Q. What does that stand for? A. General injectables and vaccines.	A. Yeah, Brian's role Sergio was doing I believ doing the regulatory due di for the DEA you know, I diligence audits. Q. Including controll substances? A. When you say inc	e with we he was ligence audits DEA due led cluding t do you
2 3 4 5 6 7 8 9 10 11	Q. All right. Let's go through that. What were Tiller's responsibilities with respect to DEA compliance? A. So Andy Tiller was based at GIV. Q. What does that stand for? A. General injectables and vaccines. Q. Okay. A. GIV was a distributor that we that Henry Schein acquired, so	A. Yeah, Brian's role Sergio was doing I believe doing the regulatory due di for the DEA you know, I diligence audits. Q. Including controll substances? A. When you say inc controlled substances, what what do you mean by that? Q. The due diligence	e with we he was ligence audits DEA due led cluding t do you
2 3 4 5 6 7 8 9 10 11 12	Q. All right. Let's go through that. What were Tiller's responsibilities with respect to DEA compliance? A. So Andy Tiller was based at GIV. Q. What does that stand for? A. General injectables and vaccines. Q. Okay. A. GIV was a distributor that we that Henry Schein acquired, so through one of the acquisitions. So she	A. Yeah, Brian's role Sergio was doing I believe doing the regulatory due differ the DEA you know, I diligence audits. Q. Including controll substances? A. When you say inc controlled substances, what what do you mean by that? Q. The due diligence compliance with the Control	e with we he was ligence audits DEA due led cluding t do you
2 3 4 5 6 7 8 9 10 11 12 13	Q. All right. Let's go through that. What were Tiller's responsibilities with respect to DEA compliance? A. So Andy Tiller was based at GIV. Q. What does that stand for? A. General injectables and vaccines. Q. Okay. A. GIV was a distributor that we that Henry Schein acquired, so through one of the acquisitions. So she was the supervisor, the regulatory	A. Yeah, Brian's role Sergio was doing I believe doing the regulatory due di for the DEA you know, I diligence audits. Q. Including controll substances? A. When you say inc controlled substances, what what do you mean by that? Q. The due diligence	e with we he was ligence audits DEA due led cluding t do you
2 3 4 5 6 7 8 9 10 11 12 13	Q. All right. Let's go through that. What were Tiller's responsibilities with respect to DEA compliance? A. So Andy Tiller was based at GIV. Q. What does that stand for? A. General injectables and vaccines. Q. Okay. A. GIV was a distributor that we that Henry Schein acquired, so through one of the acquisitions. So she	A. Yeah, Brian's role Sergio was doing I believe doing the regulatory due differ the DEA you know, I diligence audits. Q. Including controll substances? A. When you say inc controlled substances, what what do you mean by that? Q. The due diligence compliance with the Control	e with we he was ligence audits DEA due led cluding t do you
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. All right. Let's go through that. What were Tiller's responsibilities with respect to DEA compliance? A. So Andy Tiller was based at GIV. Q. What does that stand for? A. General injectables and vaccines. Q. Okay. A. GIV was a distributor that we that Henry Schein acquired, so through one of the acquisitions. So she was the supervisor, the regulatory supervisor at GIV. Q. Did GIV have any controlled	A. Yeah, Brian's role Sergio was doing I believe doing the regulatory due di for the DEA you know, I diligence audits. Q. Including controll substances? A. When you say ince controlled substances, what what do you mean by that? Q. The due diligence compliance with the Control Act?	e with we he was ligence audits DEA due led cluding t do you
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. All right. Let's go through that. What were Tiller's responsibilities with respect to DEA compliance? A. So Andy Tiller was based at GIV. Q. What does that stand for? A. General injectables and vaccines. Q. Okay. A. GIV was a distributor that we that Henry Schein acquired, so through one of the acquisitions. So she was the supervisor, the regulatory supervisor at GIV.	A. Yeah, Brian's role Sergio was doing I believe doing the regulatory due differ the DEA you know, I diligence audits. Q. Including controll substances? A. When you say ince controlled substances, what what do you mean by that? Q. The due diligence compliance with the Control Act? A. Correct.	e with we he was ligence audits DEA due led cluding t do you e for colled Substances
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. All right. Let's go through that. What were Tiller's responsibilities with respect to DEA compliance? A. So Andy Tiller was based at GIV. Q. What does that stand for? A. General injectables and vaccines. Q. Okay. A. GIV was a distributor that we that Henry Schein acquired, so through one of the acquisitions. So she was the supervisor, the regulatory supervisor at GIV. Q. Did GIV have any controlled	A. Yeah, Brian's role Sergio was doing I believe doing the regulatory due di for the DEA you know, I diligence audits. Q. Including controll substances? A. When you say ince controlled substances, what what do you mean by that? Q. The due diligence compliance with the Control Act? A. Correct. Q. All right. Have you	e with we he was ligence audits DEA due led cluding t do you e for colled Substances
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. All right. Let's go through that. What were Tiller's responsibilities with respect to DEA compliance? A. So Andy Tiller was based at GIV. Q. What does that stand for? A. General injectables and vaccines. Q. Okay. A. GIV was a distributor that we that Henry Schein acquired, so through one of the acquisitions. So she was the supervisor, the regulatory supervisor at GIV. Q. Did GIV have any controlled substances or opiate distribution?	A. Yeah, Brian's role Sergio was doing I believe doing the regulatory due di for the DEA you know, I diligence audits. Q. Including controll substances? A. When you say ince controlled substances, what what do you mean by that? Q. The due diligence compliance with the Control Act? A. Correct. Q. All right. Have you any of those audits in prepara	e with we he was ligence audits DEA due led cluding t do you e for colled Substances
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. All right. Let's go through that. What were Tiller's responsibilities with respect to DEA compliance? A. So Andy Tiller was based at GIV. Q. What does that stand for? A. General injectables and vaccines. Q. Okay. A. GIV was a distributor that we that Henry Schein acquired, so through one of the acquisitions. So she was the supervisor, the regulatory supervisor at GIV. Q. Did GIV have any controlled substances or opiate distribution? A. I don't recall.	A. Yeah, Brian's role Sergio was doing I believe doing the regulatory due diffor the DEA you know, I diligence audits. Q. Including controll substances? A. When you say incontrolled substances, what what do you mean by that? Q. The due diligence compliance with the Control Act? A. Correct. Q. All right. Have you any of those audits in prepartoday?	e with we he was ligence audits DEA due led cluding t do you e for colled Substances ou seen aration for
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. All right. Let's go through that. What were Tiller's responsibilities with respect to DEA compliance? A. So Andy Tiller was based at GIV. Q. What does that stand for? A. General injectables and vaccines. Q. Okay. A. GIV was a distributor that we that Henry Schein acquired, so through one of the acquisitions. So she was the supervisor, the regulatory supervisor at GIV. Q. Did GIV have any controlled substances or opiate distribution? A. I don't recall. Q. Okay. What about Wilburn? A. Mark Wilburn reported to	A. Yeah, Brian's role Sergio was doing I believe doing the regulatory due di for the DEA you know, I diligence audits. Q. Including controll substances? A. When you say ince controlled substances, what what do you mean by that? Q. The due diligence compliance with the Control Act? A. Correct. Q. All right. Have you any of those audits in prepart today? A. No.	e with we he was ligence audits DEA due led cluding t do you e for colled Substances ou seen aration for
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Page 50 Page 52 ¹ The only one we left out was Schmidt. I ¹ verifications department, correct? thought you did anyway. A. Correct. A. Peter Sadler? Q. And during the period of ⁴ time that we are talking about here in Q. Yeah. He didn't have any responsibilities relative to DEA ⁵ 2007, was it Shaun Abreu that was compliance? primarily responsible for verifications, A. No, I don't recall. do you recall? Q. Okay. As manager, was A. I don't recall when Shaun became the primary person. It may have Sergio Tejeda the primary person responsible for the DEA compliance? been 2007, but I don't remember that. 11 A. Within the regulatory group 11 Q. But -- but in any event, 12 he was the primary person. there was a -- there was a verifications Q. And the distinction I think ¹³ layer for suspicious order monitoring ¹⁴ that existed separate and distinct from ¹⁴ you're making, I'm asking, is that there were some compliance responsibilities regulatory affairs? ¹⁶ outside of your group in regulatory A. That's correct. 17 affairs, correct? Q. And whether something A. There were some compliance escalated from verifications to ¹⁹ activities outside the regulatory regulatory affairs, was a decision department. made -- at this time in 2007, was a decision made by the verifications Q. And if I'm mischaracterizing ²² this, please correct me, but there were department, correct? 23 some front line responsibilities within 23 A. Correct. ²⁴ the verifications department that were That is, there was no Page 51 Page 53 ¹ separate and distinct from the roles electronic monitoring at this stage of ² within regulatory affairs, correct? ² orders such that there would be an A. Correct. ³ automatic report of anything suspicious Q. As the orders and the ⁴ to your department, correct? ⁵ initial pends, and by pends, P-E-N-D-S, MR. McDONALD: Object to the ⁶ I'm -- I'm referring to anything that's form. ⁷ triggering a potential for suspicious THE WITNESS: Electronic ⁸ order. All of those were handled on the monitoring that would -- I'm not ⁹ front line by the verifications sure I follow the question. ¹⁰ department, correct? 10 BY MR. MIGLIORI: 11 11 Q. That's fine. If you don't A. Please restate the question. 12 understand, that's fine. Q. Sure. 13 The orders as they came in 13 A. Yeah. ¹⁴ to Henry Schein for controlled substances Q. So we'll go through sort of the history of -- of the suspicious order particularly, I'm talking about ¹⁶ Schedule II opioids, came first through monitoring program. 17 ¹⁷ the verifications department for purposes But let me ask you more ¹⁸ of detection or potential detection of ¹⁸ basically. When did you first get ¹⁹ involved yourself with any 19 suspicious orders. Is that a fair ²⁰ statement? ²⁰ responsibilities as it related to 21 ²¹ suspicious order monitoring programs at A. That's correct. Q. Regulatory affairs only got ²² Henry Schein? ²³ involved with pended or suspicious orders 23 A. I don't recall the time ²⁴ if they escalated through the -- the ²⁴ period when I first initially got

	ighly Confidential - Subject to		<u> </u>
	Page 54		Page 56
1	involved with suspicious order	1	go down to the page that ends with the
2	monitoring.	2	number 203, the little Bates number on
3	Q. Was it a component part of	3	the bottom right corner. There is a
4	your responsibility when you became	4	MR. McDONALD: Hang on.
5		5	He's not with you.
6	Was it immediately part of your	6	THE WITNESS: What page did
	responsibility or oversight?	7	you say?
8	A. When I moved into regulatory	8	MR. McDONALD: 203.
9	affairs it would have become part of my	9	BY MR. MIGLIORI:
10	- · · · · · · · · · · · · · · · · · · ·	10	Q. 203.
11	Q. Okay.	11	A. 203.
12	A. That's correct.	12	MR. McDONALD: You got it.
13	Q. But as you sit here today,	13	It's right here.
14	you don't recall exactly when that was?	14	THE WITNESS: That says 183.
15	A. I don't recall the exact	15	MR. McDONALD: It looks like
16		16	203. There you go.
17	Q. We know it's some time	17	THE WITNESS: Okay. Great.
18		18	Thank you.
19	A. Yes.	19	BY MR. MIGLIORI:
20	Q. I'm not going to have you go	20	Q. Now, this appears to be the
	through this right now. But I'm going to	21	resignation letter, September 21st, 2012.
22		22	A. Correct.
	break.	23	Q. And that resignation was
24			
	(Document marked for	21	effective October 19, 2012, correct?
	D		
	Page 55		Page 57
1	identification as Exhibit	1	A. Correct.
2	identification as Exhibit Schein-DiBello-4.)	1 2	A. Correct.Q. And what was the reason for
2	identification as Exhibit Schein-DiBello-4.) BY MR. MIGLIORI:		A. Correct.
2 3 4	identification as Exhibit Schein-DiBello-4.) BY MR. MIGLIORI: Q. Let me show you Exhibit 4.	2	A. Correct.Q. And what was the reason for your resignation on that date?A. I had an opportunity
2 3 4	identification as Exhibit Schein-DiBello-4.) BY MR. MIGLIORI:	2 3	A. Correct. Q. And what was the reason for your resignation on that date?
2 3 4	identification as Exhibit Schein-DiBello-4.) BY MR. MIGLIORI: Q. Let me show you Exhibit 4.	2 3	A. Correct.Q. And what was the reason for your resignation on that date?A. I had an opportunity
2 3 4 5	identification as Exhibit Schein-DiBello-4.) BY MR. MIGLIORI: Q. Let me show you Exhibit 4. It's what's been produced to us as your	2 3 4 5	A. Correct.Q. And what was the reason for your resignation on that date?A. I had an opportunity presented to me by Aceto Corporation.
2 3 4 5 6	identification as Exhibit Schein-DiBello-4.) BY MR. MIGLIORI: Q. Let me show you Exhibit 4. It's what's been produced to us as your personnel file.	2 3 4 5 6	 A. Correct. Q. And what was the reason for your resignation on that date? A. I had an opportunity presented to me by Aceto Corporation. Q. So you just sought a
2 3 4 5 6 7	identification as Exhibit Schein-DiBello-4.) BY MR. MIGLIORI: Q. Let me show you Exhibit 4. It's what's been produced to us as your personnel file. A. Okay.	2 3 4 5 6 7	A. Correct. Q. And what was the reason for your resignation on that date? A. I had an opportunity presented to me by Aceto Corporation. Q. So you just sought a different position with a different
2 3 4 5 6 7	identification as Exhibit Schein-DiBello-4.) BY MR. MIGLIORI: Q. Let me show you Exhibit 4. It's what's been produced to us as your personnel file. A. Okay. Q. Lots of nice things said	2 3 4 5 6 7 8	A. Correct. Q. And what was the reason for your resignation on that date? A. I had an opportunity presented to me by Aceto Corporation. Q. So you just sought a different position with a different company?
2 3 4 5 6 7 8 9	identification as Exhibit Schein-DiBello-4.) BY MR. MIGLIORI: Q. Let me show you Exhibit 4. It's what's been produced to us as your personnel file. A. Okay. Q. Lots of nice things said about you in there.	2 3 4 5 6 7 8	A. Correct. Q. And what was the reason for your resignation on that date? A. I had an opportunity presented to me by Aceto Corporation. Q. So you just sought a different position with a different company? A. Correct. For a better
2 3 4 5 6 7 8 9 10	identification as Exhibit Schein-DiBello-4.) BY MR. MIGLIORI: Q. Let me show you Exhibit 4. It's what's been produced to us as your personnel file. A. Okay. Q. Lots of nice things said about you in there. The only thing I want to ask	2 3 4 5 6 7 8 9	A. Correct. Q. And what was the reason for your resignation on that date? A. I had an opportunity presented to me by Aceto Corporation. Q. So you just sought a different position with a different company? A. Correct. For a better opportunity.
2 3 4 5 6 7 8 9 10 11 12	identification as Exhibit Schein-DiBello-4.) BY MR. MIGLIORI: Q. Let me show you Exhibit 4. It's what's been produced to us as your personnel file. A. Okay. Q. Lots of nice things said about you in there. The only thing I want to ask you about is, it appears that you applied	2 3 4 5 6 7 8 9 10	A. Correct. Q. And what was the reason for your resignation on that date? A. I had an opportunity presented to me by Aceto Corporation. Q. So you just sought a different position with a different company? A. Correct. For a better opportunity. Q. And have you looked at your
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	identification as Exhibit Schein-DiBello-4.) BY MR. MIGLIORI: Q. Let me show you Exhibit 4. It's what's been produced to us as your personnel file. A. Okay. Q. Lots of nice things said about you in there. The only thing I want to ask you about is, it appears that you applied for the job this is Exhibit Number 4 that you applied for the job in April of 1996, correct? A. Correct. Q. At that point your only professional experience was Underwriters Laboratories, correct?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Correct. Q. And what was the reason for your resignation on that date? A. I had an opportunity presented to me by Aceto Corporation. Q. So you just sought a different position with a different company? A. Correct. For a better opportunity. Q. And have you looked at your personal file in preparation for today? A. No. Q. I may come back to that later. I may not. A. Okay. Q. For now it's part of our little record.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	identification as Exhibit Schein-DiBello-4.) BY MR. MIGLIORI: Q. Let me show you Exhibit 4. It's what's been produced to us as your personnel file. A. Okay. Q. Lots of nice things said about you in there. The only thing I want to ask you about is, it appears that you applied for the job this is Exhibit Number 4 that you applied for the job in April of 1996, correct? A. Correct. Q. At that point your only professional experience was Underwriters Laboratories, correct? A. Correct. Q. Your start date was April 1st, 1996? A. That's correct.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Correct. Q. And what was the reason for your resignation on that date? A. I had an opportunity presented to me by Aceto Corporation. Q. So you just sought a different position with a different company? A. Correct. For a better opportunity. Q. And have you looked at your personal file in preparation for today? A. No. Q. I may come back to that later. I may not. A. Okay. Q. For now it's part of our little record. All right. Just quickly, in looking at Exhibit 3 again, the organizational chart, there are other branches of regulatory affairs that
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	identification as Exhibit Schein-DiBello-4.) BY MR. MIGLIORI: Q. Let me show you Exhibit 4. It's what's been produced to us as your personnel file. A. Okay. Q. Lots of nice things said about you in there. The only thing I want to ask you about is, it appears that you applied for the job this is Exhibit Number 4 that you applied for the job in April of 1996, correct? A. Correct. Q. At that point your only professional experience was Underwriters Laboratories, correct? A. Correct. Q. Your start date was April 1st, 1996?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Correct. Q. And what was the reason for your resignation on that date? A. I had an opportunity presented to me by Aceto Corporation. Q. So you just sought a different position with a different company? A. Correct. For a better opportunity. Q. And have you looked at your personal file in preparation for today? A. No. Q. I may come back to that later. I may not. A. Okay. Q. For now it's part of our little record. All right. Just quickly, in looking at Exhibit 3 again, the organizational chart, there are other

	5 1 11 11 11 11 11 11 11	_ 1	Further Confidentiality Review
	Page 58		Page 60
1	suspicious order monitoring?	1	And Al Clancy resigned. I
2	A. No.	2	don't know exactly when. But he
3	Q. Did Manning have any	3	resigned. And his function his direct
4	responsibilities with respect to the DEA	4	report, Wesley Milton reported to Don.
5	or suspicious order monitoring?	5	That changed.
6	A. No.	6	Q. Is it a true statement that
7	Q. Did Romano have any	7	from the time that you took on
8	responsibilities with respect to the DEA	8	responsibility with regulatory affairs
9	or suspicious order monitoring?	9	through the time of your resignation,
10	A. No.	10	that Sergio Tejeda and the DEA compliance
11	Q. How about anybody underneath	11	people reported to you?
12	Romano?	12	A. That's correct.
13	A. At this point in time in	13	Q. And you reported to Len
14	2007, Tina Steffanie-Oak did not have any	14	David?
15	DEA responsibility. She was the FDA	15	A. That's correct.
16	person.	16	Q. Okay. In preparation for
17	Q. As you implemented the	17	today, and you do any timing to review the
18	Buzzeo system over time, she became part	18	activity of Henry Schein relative to the
19	of the DEA team, right?	19	county in which claims have been brought
20	A. Later on, yes, she became	20	in this litigation; that is, Summit
21	part of Sergio's DEA team.	21	County, Ohio?
22	Q. Okay. And then finally the	22	A. No.
23	Canadian regulatory affairs, B. Thornton,	23	Q. You're familiar with the
24	I assume had no responsibilities with	24	obligations of Henry Schein to report to
		1	
	Page 59		Page 61
1	Page 59 respect to the DEA?	1	Page 61 the ARCOS data over time, correct?
1 2	respect to the DEA?	1 2	the ARCOS data over time, correct?
	respect to the DEA? A. That's correct.		the ARCOS data over time, correct? A. Correct.
3	respect to the DEA? A. That's correct. Q. Did this flowchart	3	the ARCOS data over time, correct? A. Correct. Q. And that came under your
3 4	respect to the DEA? A. That's correct. Q. Did this flowchart effectively other than people shifting	2 3 4	the ARCOS data over time, correct? A. Correct. Q. And that came under your department; that is, what let me
3 4	respect to the DEA? A. That's correct. Q. Did this flowchart	2 3 4	the ARCOS data over time, correct? A. Correct. Q. And that came under your department; that is, what let me restate that.
2 3 4 5	respect to the DEA? A. That's correct. Q. Did this flowchart effectively other than people shifting around in different positions, was this essentially the structure of the	2 3 4 5	the ARCOS data over time, correct? A. Correct. Q. And that came under your department; that is, what let me restate that. Did ARCOS reporting, was
2 3 4 5	respect to the DEA? A. That's correct. Q. Did this flowchart effectively other than people shifting around in different positions, was this	2 3 4 5	the ARCOS data over time, correct? A. Correct. Q. And that came under your department; that is, what let me restate that. Did ARCOS reporting, was that a responsibility of regulatory
2 3 4 5 6 7	respect to the DEA? A. That's correct. Q. Did this flowchart effectively other than people shifting around in different positions, was this essentially the structure of the department through the time of your	2 3 4 5 6 7	the ARCOS data over time, correct? A. Correct. Q. And that came under your department; that is, what let me restate that. Did ARCOS reporting, was that a responsibility of regulatory affairs or verifications?
2 3 4 5 6 7 8	A. That's correct. Q. Did this flowchart effectively other than people shifting around in different positions, was this essentially the structure of the department through the time of your departure in 2012?	2 3 4 5 6 7 8	the ARCOS data over time, correct? A. Correct. Q. And that came under your department; that is, what let me restate that. Did ARCOS reporting, was that a responsibility of regulatory affairs or verifications? A. ARCOS reporting was the
2 3 4 5 6 7 8	respect to the DEA? A. That's correct. Q. Did this flowchart effectively other than people shifting around in different positions, was this essentially the structure of the department through the time of your departure in 2012? A. No.	2 3 4 5 6 7 8	the ARCOS data over time, correct? A. Correct. Q. And that came under your department; that is, what let me restate that. Did ARCOS reporting, was that a responsibility of regulatory affairs or verifications? A. ARCOS reporting was the responsibility of verifications.
2 3 4 5 6 7 8 9 10	respect to the DEA? A. That's correct. Q. Did this flowchart effectively other than people shifting around in different positions, was this essentially the structure of the department through the time of your departure in 2012? A. No. Q. What changed over time?	2 3 4 5 6 7 8 9 10	the ARCOS data over time, correct? A. Correct. Q. And that came under your department; that is, what let me restate that. Did ARCOS reporting, was that a responsibility of regulatory affairs or verifications? A. ARCOS reporting was the responsibility of verifications.
2 3 4 5 6 7 8 9 10	A. That's correct. Q. Did this flowchart effectively other than people shifting around in different positions, was this essentially the structure of the department through the time of your departure in 2012? A. No. Q. What changed over time? A. Don Manning reported to Len.	2 3 4 5 6 7 8 9 10	the ARCOS data over time, correct? A. Correct. Q. And that came under your department; that is, what let me restate that. Did ARCOS reporting, was that a responsibility of regulatory affairs or verifications? A. ARCOS reporting was the responsibility of verifications. Q. Okay. So that was not part of your responsibility?
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2 3 4 5 6 7 8 9 10 11 12 13	A. That's correct. Q. Did this flowchart effectively other than people shifting around in different positions, was this essentially the structure of the department through the time of your departure in 2012? A. No. Q. What changed over time? A. Don Manning reported to Len. He was moved over to Len. Q. So he no longer reported directly to you. You reported directly	2 3 4 5 6 7 8 9 10 11 12 13 14	the ARCOS data over time, correct? A. Correct. Q. And that came under your department; that is, what let me restate that. Did ARCOS reporting, was that a responsibility of regulatory affairs or verifications? A. ARCOS reporting was the responsibility of verifications. Q. Okay. So that was not part of your responsibility? A. Nope. Q. Suspicious order monitoring, was that regulatory affairs,
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	respect to the DEA? A. That's correct. Q. Did this flowchart effectively other than people shifting around in different positions, was this essentially the structure of the department through the time of your departure in 2012? A. No. Q. What changed over time? A. Don Manning reported to Len. He was moved over to Len. Q. So he no longer reported directly to you. You reported directly to Len? A. Correct. Q. Did quality assurance continue to report to you?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	the ARCOS data over time, correct? A. Correct. Q. And that came under your department; that is, what let me restate that. Did ARCOS reporting, was that a responsibility of regulatory affairs or verifications? A. ARCOS reporting was the responsibility of verifications. Q. Okay. So that was not part of your responsibility? A. Nope. Q. Suspicious order monitoring, was that regulatory affairs, verifications or both? A. Suspicious order monitoring was primarily a responsibility of verification.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. That's correct. Q. Did this flowchart effectively other than people shifting around in different positions, was this essentially the structure of the department through the time of your departure in 2012? A. No. Q. What changed over time? A. Don Manning reported to Len. He was moved over to Len. Q. So he no longer reported directly to you. You reported directly to Len? A. Correct. Q. Did quality assurance continue to report to you? A. Yeah. At some point in	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	the ARCOS data over time, correct? A. Correct. Q. And that came under your department; that is, what let me restate that. Did ARCOS reporting, was that a responsibility of regulatory affairs or verifications? A. ARCOS reporting was the responsibility of verifications. Q. Okay. So that was not part of your responsibility? A. Nope. Q. Suspicious order monitoring, was that regulatory affairs, verifications or both? A. Suspicious order monitoring was primarily a responsibility of verification. Q. Okay. What role, if any,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. That's correct. Q. Did this flowchart effectively other than people shifting around in different positions, was this essentially the structure of the department through the time of your departure in 2012? A. No. Q. What changed over time? A. Don Manning reported to Len. He was moved over to Len. Q. So he no longer reported directly to you. You reported directly to Len? A. Correct. Q. Did quality assurance continue to report to you? A. Yeah. At some point in time, Maurizio Romano and the quality assurance team reported to Len. And then and then later he was moved back	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	the ARCOS data over time, correct? A. Correct. Q. And that came under your department; that is, what let me restate that. Did ARCOS reporting, was that a responsibility of regulatory affairs or verifications? A. ARCOS reporting was the responsibility of verifications. Q. Okay. So that was not part of your responsibility? A. Nope. Q. Suspicious order monitoring, was that regulatory affairs, verifications or both? A. Suspicious order monitoring was primarily a responsibility of verification. Q. Okay. What role, if any, did regulatory affairs play in that suspicious order monitoring program at
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. That's correct. Q. Did this flowchart effectively other than people shifting around in different positions, was this essentially the structure of the department through the time of your departure in 2012? A. No. Q. What changed over time? A. Don Manning reported to Len. He was moved over to Len. Q. So he no longer reported directly to you. You reported directly to Len? A. Correct. Q. Did quality assurance continue to report to you? A. Yeah. At some point in time, Maurizio Romano and the quality assurance team reported to Len. And then and then later he was moved back to me. So that that was a move there,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	the ARCOS data over time, correct? A. Correct. Q. And that came under your department; that is, what let me restate that. Did ARCOS reporting, was that a responsibility of regulatory affairs or verifications? A. ARCOS reporting was the responsibility of verifications. Q. Okay. So that was not part of your responsibility? A. Nope. Q. Suspicious order monitoring, was that regulatory affairs, verifications or both? A. Suspicious order monitoring was primarily a responsibility of verification. Q. Okay. What role, if any, did regulatory affairs play in that
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. That's correct. Q. Did this flowchart effectively other than people shifting around in different positions, was this essentially the structure of the department through the time of your departure in 2012? A. No. Q. What changed over time? A. Don Manning reported to Len. He was moved over to Len. Q. So he no longer reported directly to you. You reported directly to Len? A. Correct. Q. Did quality assurance continue to report to you? A. Yeah. At some point in time, Maurizio Romano and the quality assurance team reported to Len. And then and then later he was moved back	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	the ARCOS data over time, correct? A. Correct. Q. And that came under your department; that is, what let me restate that. Did ARCOS reporting, was that a responsibility of regulatory affairs or verifications? A. ARCOS reporting was the responsibility of verifications. Q. Okay. So that was not part of your responsibility? A. Nope. Q. Suspicious order monitoring, was that regulatory affairs, verifications or both? A. Suspicious order monitoring was primarily a responsibility of verification. Q. Okay. What role, if any, did regulatory affairs play in that suspicious order monitoring program at Henry Schein while you were there?

	Dogg 62	Т	Dago 64
1	Page 62	1	Page 64
2	the engagement of Buzzeo to develop an	2	thought you I thought you
2	enhanced suspicious order monitoring	3	stopped.
3	process, and to imprement, to help	4	MR. MIGLIORI: No, no,
4		5	that's fine. That's going to
5		6	happen. The more we talk
	order monitoring process.	7	conversationally, the more that
7	Q. Okay. So just briefly, if		happens.
	you will, what is Buzzeo and how did you	8	THE WITNESS: Sure.
	interact with Buzzeo at the beginning?	9	MR. MIGLIORI: Sometimes it
10	A. Buzzeo is a consultant that	10	takes somebody outside watching us
	Henry Schein used prior to my joining the	11	to point it out to both of us.
	company.	12	THE WITNESS: Sure.
13	He was consulting, I would	13	(Document marked for
	say, several years prior to joining	14	identification as Exhibit
	prior to my joining the company.	15	Schein-DiBello-5.)
16	Duzzeo was a former DEM	16	DI MIK. MIGLIORI.
17	agent. The we retained Buzzeo to help as	17	Q. Let me show you Exhibit
	with the DEA project and on occasion, you	18	Trainion 5. Timb is a Tower out
	know, I mean, he did he did a lot. He	19	presentation that bears your name on the
	did audits for us. He advised us in	20	cover.
	several different aspects with respect to	21	A. Yes.
22	DEA.	22	Q. I'll tell you that from
23	Q. So when you first got		metadata, we're able to decipher that the
24	involved with regulatory affairs sometime	24	date of this is November 2, 2009. Okay?
	Page 63		Page 65
1	before 2007, Buzzeo had already been	1	A. Okay.
2	-	2	Q. Let me just show you. So
3	A. That's correct.	3	
4	Q for suspicious order	4	iteration of Buzzeo?
5	monitoring?	5	A. That's correct.
6	A. He was consulting with Henry	6	Q. All right. So this is a
7	Schein way before I took over regulatory.	7	presentation that bears your name. Do
8	Q. Okay.	8	you recall putting this together?
9	MR. McDONALD: So let me	9	A. Yes.
10	let me tell you, just be sure he's	10	Q. Did you review this in
11	done with his question before you	11	preparation for today?
12	are answering. You're doing	12	A. Yes.
13	pretty good. The last one you	13	Q. And so, when you're talking
14	answered it halfway through his	14	
15	question.	15	talking about the same group here,
- 1	•	16	correct, that you that you seem to
16	THE WITNESS: Okay. Sorry.	17	
16 17	THE WITNESS: Okay. Sorry. MR. McDONALD: Just wait	1-'	nave presented this presentation with,
	MR. McDONALD: Just wait	18	
17	MR. McDONALD: Just wait until he's done. He'll pause		right? It's their watermark or their correct?
17 18	MR. McDONALD: Just wait until he's done. He'll pause occasionally. He's trying to	18	right? It's their watermark or their
17 18 19	MR. McDONALD: Just wait until he's done. He'll pause occasionally. He's trying to throw you off.	18 19	right? It's their watermark or their correct? A. Correct.
17 18 19 20	MR. McDONALD: Just wait until he's done. He'll pause occasionally. He's trying to throw you off. MR. MIGLIORI: I'll try to	18 19 20	right? It's their watermark or their correct? A. Correct. Q. Do you recall giving this
17 18 19 20 21	MR. McDONALD: Just wait until he's done. He'll pause occasionally. He's trying to throw you off. MR. MIGLIORI: I'll try to talk quicker so we can get to your	18 19 20 21	right? It's their watermark or their correct? A. Correct.
17 18 19 20 21 22	MR. McDONALD: Just wait until he's done. He'll pause occasionally. He's trying to throw you off. MR. MIGLIORI: I'll try to talk quicker so we can get to your answer quicker.	18 19 20 21 22	right? It's their watermark or their correct? A. Correct. Q. Do you recall giving this presentation, actually presenting it?

Page 66 Page 68 ¹ audience? Who was your audience, the ¹ relates to controlled substances, ² annual controlled substances conference? correct? A. So the audience -- Ron A. Correct. This is the excerpt from the ⁴ Buzzeo did conferences and seminars, as Q. ⁵ we discussed earlier. That was one of ⁵ Controlled Substances Act that puts on ⁶ the training programs that we attended. ⁶ the distributor the responsibility of He gave annual -- at least ⁷ designing and operating a system to once a year, sometimes twice, so the disclose to the registrant suspicious audience was distributors, manufacturers. orders of controlled substances, correct? 10 Q. This would have been your A. Correct. competitors in the market? 11 Q. You wrote that "the 12 MR. McDONALD: Object to the regulation clearly indicates that it is 13 the sole responsibility of the registrant form. ¹⁴ to design and operate such a system." So BY MR. MIGLIORI: you were aware of the obligation of 15 Q. Right? Other distributors? ¹⁶ DEA -- DEA registrants like Henry Schein 16 in their sole responsibility to design 17 So you're presenting at this conference with other distributors Henry and operate suspicious order monitoring ¹⁹ Schein's approach to DEA compliance. Is programs for their company? that a fair generalization? A. Can you repeat the question? 20 21 21 Q. Sure. That statement, A. Yes. ²² the -- "The regulation clearly indicates Q. Okay. These were the ²³ topics. You gave a quick overview of the that it is the sole responsibility of the ²⁴ company. ²⁴ registrant to design and operate such Page 67 Page 69 Is this -- was this accurate ¹ a" -- "such a system." ² at the time, that Henry Schein was the That statement refers to ³ largest distributor of healthcare ³ Henry Schein, correct? ⁴ products and services to office-based A. Correct. ⁵ practitioners in the combined North Q. That is, designing and ⁶ American and European markets? operating a system for Henry Schein ⁷ suspicious order monitoring system was A. Yes. non-delegable. It was something that you Q. And that includes, obviously, controlled substances? had to do yourself, right? 10 A. Yes. 10 A. That's correct. 11 11 O. In reference to the Q. Customers include dental practices and laboratories, physician December 2007 letter from DEA, are you ¹³ practices, and animal health clinics, as familiar with what's referred to as the 14 "dear registrant" letters or the ¹⁴ well as government and other 15 institutions. Those were your clients? Rannazzisi letters? Do you recall ¹⁶ reading those? 16 A. Correct. 17 17 Q. Over 12,000 employees at the A. Vaguely. In 2007. ¹⁸ time. Business in 23 countries. And Q. So the citation here to the ¹⁹ December 2007 letter. Do you have a 19 over \$6 billion in sales. That was the ²⁰ size of the company? specific recollection of -- of having read that at the time, or been aware of 21 A. Correct. Q. The next slide you put here it at the time? ²³ basically sets forth sort of the A. I have a general ²⁴ foundation of DEA compliance as it ²⁴ recollection.

se	Highly Confidential #- 3025-3/ Filed:	Further Confidential ty Review
	Page 70	Page 72
	¹ Q. Okay. And this excerpt	¹ Do you recall the guidance provided to
	² here, this is something that you pulled	² Henry Schein and other distributors from
	³ out from that letter for the purposes of	³ the HDMA about the "know your customer"
	⁴ this presentation to the trade	⁴ obligations, specifically in 2008?
	⁵ association, correct, or you had it	⁵ MR. McDONALD: Object to the
	⁶ pulled?	⁶ form.
	A. I had it pulled out, yeah.	⁷ BY MR. MIGLIORI:
	⁸ I didn't prepare it.	⁸ Q. Do you recall that, that's
	⁹ Q. And then you go through some	⁹ my only question.
-	¹⁰ challenges that you felt. You thought	A. Not specifically, but
- 1	uns was an unclear requirement with	Q. Do you recall that there
-	¹² respect to knowing your customer.	was, in fact, a guidance that Henry
	· · · · · · · · · · · · · · · · · · ·	¹³ Schein signed off of from the HDMA in
	• •	¹⁴ 2008 relative to the DEA compliance best
- 1	senguions under the controlled	¹⁵ practices?
	Substances Fiet to know your editionier, if	A. You said signed off on it?
-	you can recall?	Q. As a member of the HDMA.
	71. Do i iccan what can you	A. I don't recall.
	repeat that question.	Q. Okay. We'll get into the
	Q. Tour. Tour mist buriet	²⁰ specifics of the process. But I want to
		²¹ direct your attention to Page 11 right
		22 now, just for a timeline.
	customer.	A. Okay.
2	Do you recall why you put	Q. This is your PowerPoint. So
	Page 71	Page 73
	¹ that bullet point, that there was	¹ I just want to sort of go through. Do
	² there were unclear requirements with lack	² you recall looking at this timeline in
	³ of guidance relative to "know your	³ preparation for today?
	4 customer" obligation?	4 A. Yes.
	⁵ A. Okay. So the way the	⁵ Q. All right. So in this slide
	⁶ statute is written, it was not specific	⁶ that you prepared for this presentation,
	⁷ for a particular customer to determine	you have that the suspicious order

8 whether an order could be, you know, ⁹ deemed suspicious. And that was the --10 so it was not specific. It was -- it was ¹¹ a very broad, very general requirement. Q. Do you recall in any of the

13 letters received in 2007 or 2006 a ¹⁴ guidance from the DEA about what are some ¹⁵ of the things that are deemed to be red ¹⁶ flags or anomalies that need to be ¹⁷ investigated for the "know your customer" ¹⁸ obligations? A. I recall that they -- there ²⁰ was a -- you know, in the letter there

Q. Okay. And again the date of ²³ this is November of 2009. By this point

²⁴ you said you were a member of the HDMA.

⁸ monitoring project started in September

⁹ of 2007. Is that the beginning of the

¹⁰ implementation of the Buzzeo

¹¹ recommendations?

A. No.

13

What is that date? O.

A. I'm not -- I'm not -- I'm not recalling what that date signifies.

16 O. Shaun Abreu testified in this case as the person designated by Henry Schein to speak for the company

relative to the suspicious order

monitoring program in place. To the

extent that his -- that he has a

²² recollection of this and -- and what it

²³ signifies, at least at this stage, given

²⁴ your -- your current memory, would you

²¹ was some guidance offered.

п.	ignly confidential - Subject to	1 ر	druiter confidentiality Review
	Page 74		Page 76
1	defer to his testimony, his memory?	1	immediate. It was it was it says
2	MR. McDONALD: Object to the	2	here, "Restrictions set up to prevent
3	form.	3	accounts from ordering products not
4	THE WITNESS: Would I I	4	normally used in their practice." So
5	just want to make sure I	5	that's that was implemented. I
6	understand the question.	6	
7	Would I defer to his	7	_
8	recollection?	8	MR. McDONALD: You okay?
9	BY MR. MIGLIORI:	9	THE WITNESS: It just went
10	Q. He's testified and was	10	down the wrong pipe.
11	designated by Henry Schein as the person	11	(Document marked for
	who will speak for the company, not just	12	identification as Exhibit
	for himself	13	Schein-DiBello-6.)
14		14	,
15	A. Okay.	15	BY MR. MIGLIORI:
	Q on what these dates		Q. I'm going to show you
16	signify. You have not reviewed that	16	Exhibit 6.
	testimony, have you?	17	I'm just giving this to you
18	A. No.	18	Tot unother mistorieur
19	Q. All right. And as you sit	19	A. Okay.
	here today, you personally don't have any	20	Q look at it.
	information about what the suspicious	21	This is dated July 19, 2018,
22	order monitoring project start date	22	last year, from Jeff Peacock to Sergio
23	means, is that fair to say?	23	Tejeda. And it's attaching another
24	A. Correct. I don't.	24	PowerPoint. And it has a little timeline
\vdash	Page 75		Page 77
1	Q. This is your slide, but you	1	there. It's on Page 2.
2	just don't recall as you sit here today?	2	A. Okay.
3	A. I don't recall what that	3	Q. And it says, "History of
	project start date means.		
5	1 0		Henry Schein's SOMs and 'know your
-	Q. Okay. Ill Novellibel of 2007,	6	customers' due diligence development."
	in your slide, it says, "Restrictions set	7	A. Okay.
	up to prevent accounts from ordering		Q. It says here, "In 2008,
	products not normally used in their	8	riem's senem suspicious order momenting
9	practice."	9	system was designed in conjunction with
10	Do you recall a	1	Buzzeo PDMA."
	recommendation of Buzzeo or Dendrite,	11	Is that consistent with your
	whatever the name was at the time, that	12	recollection, that the suspicious order
	there be an immediate standard operating	13	monitoring system that was recommended
	procedure to prevent certain accounts	14	and implemented in 2008 was that that
15	from getting products based on practice	15	was consulted to, at least, to by
	type?	16	
17	A. I don't recall that specific	17	A. I'm sorry. The question
18	recommendation.	18	
19	Q. Okay. But you put this in	19	Q. I'll ask you again.
20	your slide presumably because there was a	20	A. In 2008?
	decision in November of 2007 to put in an	21	Q. In 2008, in this chart
1	decision in November of 2007 to bin in an	1	y, in mood, in this vitall
		22	_
22	immediate restriction on certain	22	A. Right.
22			_

Page 78 Page 80 ¹ designed in conjunction with Buzzeo. Is ¹ Buzzeo? ² that consistent with your recollection? A. I don't recall the specific A. In 2008, I just don't ³ recommendation with Buzzeo. ⁴ understand the significance of 2008. Q. In December 2007, there is another reference to the DEA letter sent to manufacturers and distributors. Do Q. These aren't my documents. 7 A. Yeah, they're -you recall our earlier discussion about Q. I understand you --8 that letter? A. -- not my documents either. A. Yes. ¹⁰ That's why I don't understand the 10 O. And that's the letter from question, I guess. Joe Rannazzisi to all DEA registrants, 12 Q. Well -correct? 13 MR. McDONALD: Hang on. 13 Correct. A. 14 Hang on. One of you needs to talk 14 We'll get into that a little Q. 15 at a time. Let him ask the later. 16 16 Okay. question. A. 17 17 Going to this exhibit, which THE WITNESS: Sure. 18 BY MR. MIGLIORI: ¹⁸ is from last year, and in giving the history of it, it talks about Henry 19 Q. I'm just trying to give you some context. I am showing you in this ²⁰ Schein's suspicious order monitoring 21 system being designed in conjunction with ²¹ first exhibit, Exhibit Number 5 --²² Buzzeo in 2008. A. Right. 23 23 Q. -- I'm showing you a chart I'm simply asking, does this ²⁴ that you actually presented to a trade ²⁴ refresh your recollection of this start Page 79 Page 81 ¹ association. And it talks about the ¹ date that's in your chart in the earlier ² exhibit? ² start of the suspicious order monitoring ³ program in September of 2007. And you A. Yes. ⁴ told me that you don't recall that. Q. So is it fair to say, going I asked you about whether ⁵ back to your chart, that at the end of ⁶ you recall restrictions being set up to ⁶ 2007, is when the Buzzeo system was first ⁷ prevent accounts from ordering products ⁷ being implemented or being designed for 8 not normally used in their practice in Henry Schein? ⁹ 2007, again, in your slide, and you said MR. McDONALD: Object to the 10 ¹⁰ you don't recall that. form. 11 11 A. That's not what I said. THE WITNESS: No, I don't 12 Q. Okay. You do recall it? 12 believe 2007 was an accurate 13 A. No. I said in response to 13 reflection of when the Buzzeo 14 your question, you said immediate. system was designed. 15 Q. Okay. 15 BY MR. MIGLIORI: 16 A. I said I don't know what you 16 Q. Okay. So what was the date mean by "immediate restrictions were that you put in your own slide that says, 18 implemented." "Suspicious order monitoring project 19 Q. Fair enough. I'll take the 19 started"? What does that signify in your ²⁰ word out "immediate." Do you recall 20 chart? putting in those restrictions? 21 MR. McDONALD: Objection. 22 22 A. Yes. Asked and answered. 23 23 Q. All right. Were those THE WITNESS: I believe that 24 ²⁴ restrictions the recommendation of date signifies a point in time

	o Further Confidentiality Review
Page 82	Page 84
when some development and	¹ A. No. I didn't say it was
² implementation activities were	² inconsistent. I said one talks about the
³ underway. But it does not reflect	³ project being designed in conjunction
when the SOM enhancement project	⁴ with Buzzeo, PDMA. And that's Peacock's
⁵ was initiated.	⁵ characterization. And my chart has SOM
⁶ BY MR. MIGLIORI:	⁶ project started in 2007.
⁷ Q. Okay. So now you are	⁷ Q. Okay. And Peacock says that
⁸ talking about an enhancement project.	⁸ the implementation of the suspicious
⁹ Again, this is these are your this	⁹ order monitoring system was completed in
10 is your chart, where you've picked a	¹⁰ 2009. That's in Exhibit 6. In your
¹¹ date, and you call it an SOM project. Is	¹¹ Exhibit 5, it seems that you also say
¹² that different from the enhancement	that the, "New item setup process
¹³ project, or were you wrong about the	13 implemented," and you have a box around
14 date?	the October 1st to October 9th dates,
¹⁵ MR. McDONALD: Objection.	¹⁵ "System completion." Do you see that?
¹⁶ BY MR. MIGLIORI:	¹⁶ A. Yes.
Q. I'm just trying to	Q. All right. Okay. So can we
¹⁸ understand your chart.	¹⁸ agree that whatever project was underway
¹⁹ MR. McDONALD: Object to	¹⁹ in 2007 and/or 2008 in these two
²⁰ form.	²⁰ exhibits, you both agree that that
THE WITNESS: The chart says	²¹ project was operational and implemented
SOM project started. So that's	²² in October of 2009? Is that a fair
that's the SOM project. I refer	23 timeline?
to it as SOM enhancements, because	A. Yes.
Page 83	Page 85
Page 83 that's what was the goal of the	Page 85 1 Q. In your exhibit you talk
	- 1
that's what was the goal of the	¹ Q. In your exhibit you talk
that's what was the goal of the SOM project.	Q. In your exhibit you talk about a statistical approach,
 that's what was the goal of the SOM project. BY MR. MIGLIORI: 	 Q. In your exhibit you talk about a statistical approach, specifications were finalized and
that's what was the goal of the SOM project. BY MR. MIGLIORI: Q. Okay.	 Q. In your exhibit you talk about a statistical approach, specifications were finalized and submitted in March of 2009.
 that's what was the goal of the SOM project. BY MR. MIGLIORI: Q. Okay. A. And the date, all I said was 	Q. In your exhibit you talk about a statistical approach, specifications were finalized and submitted in March of 2009. Do you recall the process of
that's what was the goal of the SOM project. BY MR. MIGLIORI: Q. Okay. A. And the date, all I said was that the 2007 date merely reflects the	Q. In your exhibit you talk about a statistical approach, specifications were finalized and submitted in March of 2009. Do you recall the process of coming up with statistical algorithms
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	D 06		D 00
	Page 86		Page 88
1	Q. And then in 2012, according	1	THE VIDEOGRAPHER: All
- 1	to Jim Peacock's chart, the suspicious	2	right. Stand by, please. Remove
	order monitoring system was audited by	3	your microphones. Okay. The time
	Buzzeo in a collaborative effort with	4	is 11:49 a.m. Going off the
5	Henry Schein verifications, regulatory	5	record.
6	affairs, legal and internal audits. Is	6	(Short break.)
7	that another is that consistent with	7	THE VIDEOGRAPHER: Okay. We
8	your recollection?	8	are back on the record. The time
9	A. I don't recall 2012 SOMs	9	is 12:06 p.m.
10	audited by that statement, "SOMs	10	BY MR. MIGLIORI:
11	audited by Buzzeo in collaboration with	11	Q. I want to try to fill in
	Henry Schein verifications, regulatory	12	some of that timeline now with some
13	legal, and internal audit."	13	specifics and some experience directly.
14	Q. You don't recall the Buzzeo	14	Let's start at the
15	audit?	15	beginning.
16	A. I don't recall specifically	16	So sometime in early 2000s
17	the Buzzeo audit. I recall Buzzeo	17	when you first got to regulatory affairs,
18	working with us throughout the entire	18	j j g
19	process. If he conducted an audit	19	did you go right into a director
20	throughout the process, which probably	20	position?
21	did, I mean, there was a lot of testing	21	A. When I got to regulatory
22	and, you know, validation going on. But	22	affairs?
23	I don't remember I don't recall the	23	Q. Yes.
24	specific 2012 collaborative effort.	24	A. Yeah. I was director of
	n. 07		D 00
	Page X/		Page 89
1	Page 87 O Okay So it's in 2012 in	1	Page 89
1 2	Q. Okay. So it's in 2012 in	1	quality.
2	Q. Okay. So it's in 2012 in September, or actually effective	1 2 3	quality. Q. Right.
2 3	Q. Okay. So it's in 2012 in September, or actually effective October 19th or something, that you left	3	quality. Q. Right. A. And then I believe the title
2 3 4	Q. Okay. So it's in 2012 in September, or actually effective October 19th or something, that you left the company, correct?	3 4	quality. Q. Right. A. And then I believe the title was changed to director of regulatory
2 3 4 5	Q. Okay. So it's in 2012 in September, or actually effective October 19th or something, that you left the company, correct? A. That's correct.	2 3 4 5	quality. Q. Right. A. And then I believe the title was changed to director of regulatory affairs.
2 3 4	Q. Okay. So it's in 2012 in September, or actually effective October 19th or something, that you left the company, correct? A. That's correct. Q. All right. And before we	2 3 4 5 6	quality. Q. Right. A. And then I believe the title was changed to director of regulatory affairs. Q. Okay. And that's what
2 3 4 5 6 7	Q. Okay. So it's in 2012 in September, or actually effective October 19th or something, that you left the company, correct? A. That's correct. Q. All right. And before we take a break, just to get this out of the	2 3 4 5	quality. Q. Right. A. And then I believe the title was changed to director of regulatory affairs. Q. Okay. And that's what happened some time between
2 3 4 5 6 7 8	Q. Okay. So it's in 2012 in September, or actually effective October 19th or something, that you left the company, correct? A. That's correct. Q. All right. And before we take a break, just to get this out of the way.	2 3 4 5 6 7	quality. Q. Right. A. And then I believe the title was changed to director of regulatory affairs. Q. Okay. And that's what happened some time between A. 1999.
2 3 4 5 6 7 8	Q. Okay. So it's in 2012 in September, or actually effective October 19th or something, that you left the company, correct? A. That's correct. Q. All right. And before we take a break, just to get this out of the way. You didn't have any	2 3 4 5 6 7 8	quality. Q. Right. A. And then I believe the title was changed to director of regulatory affairs. Q. Okay. And that's what happened some time between A. 1999. Q 1999 and 2007?
2 3 4 5 6 7 8 9	Q. Okay. So it's in 2012 in September, or actually effective October 19th or something, that you left the company, correct? A. That's correct. Q. All right. And before we take a break, just to get this out of the way. You didn't have any responsibilities or interactions with	2 3 4 5 6 7 8	quality. Q. Right. A. And then I believe the title was changed to director of regulatory affairs. Q. Okay. And that's what happened some time between A. 1999. Q 1999 and 2007? A. Yeah. Yeah.
2 3 4 5 6 7 8 9 10	Q. Okay. So it's in 2012 in September, or actually effective October 19th or something, that you left the company, correct? A. That's correct. Q. All right. And before we take a break, just to get this out of the way. You didn't have any responsibilities or interactions with Henry Schein after you left the company,	2 3 4 5 6 7 8 9 10	quality. Q. Right. A. And then I believe the title was changed to director of regulatory affairs. Q. Okay. And that's what happened some time between A. 1999. Q 1999 and 2007? A. Yeah. Yeah. Q. And it's when you became
2 3 4 5 6 7 8 9 10 11	Q. Okay. So it's in 2012 in September, or actually effective October 19th or something, that you left the company, correct? A. That's correct. Q. All right. And before we take a break, just to get this out of the way. You didn't have any responsibilities or interactions with Henry Schein after you left the company, did you?	2 3 4 5 6 7 8 9 10 11	quality. Q. Right. A. And then I believe the title was changed to director of regulatory affairs. Q. Okay. And that's what happened some time between A. 1999. Q 1999 and 2007? A. Yeah. Yeah. Q. And it's when you became director of regulatory affairs that you
2 3 4 5 6 7 8 9 10 11 12 13	Q. Okay. So it's in 2012 in September, or actually effective October 19th or something, that you left the company, correct? A. That's correct. Q. All right. And before we take a break, just to get this out of the way. You didn't have any responsibilities or interactions with Henry Schein after you left the company, did you? A. That's correct.	2 3 4 5 6 7 8 9 10 11 12 13	quality. Q. Right. A. And then I believe the title was changed to director of regulatory affairs. Q. Okay. And that's what happened some time between A. 1999. Q 1999 and 2007? A. Yeah. Yeah. Q. And it's when you became director of regulatory affairs that you first started to deal with the Controlled
2 3 4 4 5 6 7 8 9 10 11 12 13 14	Q. Okay. So it's in 2012 in September, or actually effective October 19th or something, that you left the company, correct? A. That's correct. Q. All right. And before we take a break, just to get this out of the way. You didn't have any responsibilities or interactions with Henry Schein after you left the company, did you? A. That's correct. Q. I saw that you offered to	2 3 4 5 6 7 8 9 10 11 12 13 14	quality. Q. Right. A. And then I believe the title was changed to director of regulatory affairs. Q. Okay. And that's what happened some time between A. 1999. Q 1999 and 2007? A. Yeah. Yeah. Q. And it's when you became director of regulatory affairs that you first started to deal with the Controlled Substances Act and the obligations
2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. Okay. So it's in 2012 in September, or actually effective October 19th or something, that you left the company, correct? A. That's correct. Q. All right. And before we take a break, just to get this out of the way. You didn't have any responsibilities or interactions with Henry Schein after you left the company, did you? A. That's correct. Q. I saw that you offered to help in the transition, but once you left	2 3 4 5 6 7 8 9 10 11 12 13	quality. Q. Right. A. And then I believe the title was changed to director of regulatory affairs. Q. Okay. And that's what happened some time between A. 1999. Q 1999 and 2007? A. Yeah. Yeah. Q. And it's when you became director of regulatory affairs that you first started to deal with the Controlled Substances Act and the obligations relative to DEA compliance, correct?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. Okay. So it's in 2012 in September, or actually effective October 19th or something, that you left the company, correct? A. That's correct. Q. All right. And before we take a break, just to get this out of the way. You didn't have any responsibilities or interactions with Henry Schein after you left the company, did you? A. That's correct. Q. I saw that you offered to help in the transition, but once you left the company, you lost or you no longer	2 3 4 5 6 7 8 9 10 11 12 13 14	quality. Q. Right. A. And then I believe the title was changed to director of regulatory affairs. Q. Okay. And that's what happened some time between A. 1999. Q 1999 and 2007? A. Yeah. Yeah. Q. And it's when you became director of regulatory affairs that you first started to deal with the Controlled Substances Act and the obligations relative to DEA compliance, correct? A. Correct.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Okay. So it's in 2012 in September, or actually effective October 19th or something, that you left the company, correct? A. That's correct. Q. All right. And before we take a break, just to get this out of the way. You didn't have any responsibilities or interactions with Henry Schein after you left the company, did you? A. That's correct. Q. I saw that you offered to help in the transition, but once you left the company, you lost or you no longer maintained any communications, contact, or interactions with either Henry Schein	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	quality. Q. Right. A. And then I believe the title was changed to director of regulatory affairs. Q. Okay. And that's what happened some time between A. 1999. Q 1999 and 2007? A. Yeah. Yeah. Q. And it's when you became director of regulatory affairs that you first started to deal with the Controlled Substances Act and the obligations relative to DEA compliance, correct? A. Correct. (Document marked for identification as Exhibit
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Page 90 ¹ the part of the Controlled Substance Act ¹ general welfare of the American people"? ² Were you aware of that? ² that governs the distributor's ³ responsibility as it relates to designing A. Yes. ⁴ and operating a system to disclose to the O. And were you aware that in ⁵ registrant suspicious orders of ⁵ the scheduling of drugs, going back to ⁶ controlled substances? ⁶ 1970, that the Schedule II drugs were ⁷ defined as, "A, the drug or other A. Correct. substance has a high potential for Q. It talks about informing the abuse"? Did you appreciate that as ⁹ DEA in the area of suspicious orders when ¹⁰ discovered by the registrant. You director of regulatory affairs? 11 understood that to be an obligation 11 A. Yes. 12 ¹² under -- an obligation of Henry Schein to O. Did you appreciate as ¹³ report suspicious orders when discovered? ¹³ director of regulatory affairs that a Schedule II drug was, "A drug or other 14 A. Correct. 15 Q. And you see that this act substance, has a currently accepted ¹⁶ was enacted in 1971? medical use in treatment in the United 17 A. Correct. States or currently accepted medical use 18 Q. So I assume for all relevant with severe restrictions"? 19 time that you were at Henry Schein, that A. Correct. you understood and appreciated this was 20 Q. Did you appreciate as ²¹ the obligation, correct? ²¹ director of regulatory affairs at Henry A. Correct. Schein that Schedule II drugs -- that, ²³ "Abuse of the drug or other substance may You also understood as the ²⁴ lead to severe psychological or physical ²⁴ director of regulatory affairs that under Page 91 Page 93 ¹ the Act, "Suspicious orders include ¹ dependence"? ² orders of unusual size, orders deviating A. Yes. ³ substantially from a normal pattern, and Q. And did you appreciate while ⁴ orders of unusual frequency," that that ⁴ you were director of regulatory affairs ⁵ was the definition in part of suspicious ⁵ at Henry Schein that opioids were 6 orders? ⁶ Schedule II drugs? 7 A. Yes. A. Correct. Q. As director of regulatory Q. At some period of time, ⁹ affairs at Henry Schein, you also hydrocodone was a Schedule III drug --¹⁰ appreciated that under that same act, actually, were you aware of the fact that 11 hydrocodone was a Schedule III drug ¹¹ Congress made certain findings about ¹² controlled substances? Were you aware during the time that you were director of ¹³ that there were certain findings, 13 regulatory affairs at Henry Schein? 14 ¹⁴ congressional findings about controlled A. I don't recall. ¹⁵ substances? Q. I was going to go through A. I don't recall the specific 16 some documents chronologically that have ¹⁷ findings. 17 your name. 18 Q. Did you appreciate, while (Document marked for 19 ¹⁹ you were director of regulatory affairs identification as Exhibit ²⁰ at Henry Schein, that, "The illegal 20 Schein-DiBello-9.) ²¹ importation, manufacture, distribution 21 MR. MIGLIORI: The first one ²² and possession and improper use of 22 is Exhibit 9. ²³ controlled substances have a substantial ²³ BY MR. MIGLIORI: ²⁴ and detrimental effect on the health and 24 Q. Now when you first got to

	Ighty Confidencial - Subject to		
	Page 94		Page 96
1	regulatory affairs, what did you	1	establish any definitions of what is a
2	understand the suspicious order	1	pended order?
3	81 8	3	A. No. When I when I took
4	MR. McDONALD: Object to the	4	over the group
5	form.	5	Q. At the beginning.
6	BY MR. MIGLIORI:	6	A. At the beginning, no.
7	Q. Before we get to the	'	Q. And did regulatory affairs
8	document, what was in place at the time	8	have any responsibilities with respect to
9	that you started for controlled	9	the due diligence performed when
10	substances?	10	onboarding a new customer at the time
11	A. When I started as director	11	that you started?
12	of regulatory?		A. At the time that I took
13	Q. Yeah.	1	over, no.
14	A. My recollection is that	14	Q. Did regulatory affairs have
15	there was a suspicious order monitoring	15	any responsibilities with respect to
	system in place to ensure that we	1	"know your customer" obligations of an
	detected suspicious orders and reported	17	existing customer of Henry Schein when
19	them accordingly.	18 19	you took over as director?
20	Q. That system in place was a	20	A. I don't recall.
	system that was day to day managed by the		Q. Is it fair to say that
22	verifications department?	22	relative to the suspicious order
	A. Verification department had		monitoring program that existed when you
24	a primary responsibility for that.	1	took over as director of regulatory
	Q. Okay. And when you first		affairs, that your department was there
	Page 95		Page 97
	got there, do you recall who was	1	as a resource to verifications when they
	responsible for verifications at the		chose to use it?
3	time?	3	A. Yes.
4	A. I don't recall who was	4	Q. Otherwise, the suspicious
	responsible for verification at that		order monitoring program, to the extent
	time.	1	it existed when you started as director,
7	Q. What, if any,	7	was managed, implemented, audited by the
8	responsibilities did your department have	8	verifications team?
	relative to the suspicious order	9	A. There's several parts to
10	monitoring program in place when you	10	that question, all right. So managed by
12	became director of regulatory affairs?	11	the verification team, that's that was
	A. My team would get involved	1	their primary responsibility.
	when they had questions that the	13	Implemented, yeah, I guess
15	verifications group were not sure how to	1	they would implement their, you know,
16	handle.	15 16	procedures and practices.
17	Q. Did regulatory affairs set	17	Audited by the verification
18	any thresholds at that time when you	18	team, I don't recall.
19	first started as director? A. No.	19	Q. Okay. You've had a
20		20	recollection that Buzzeo was already in
21	Q. Did regulatory affairs	21	place as a consultant for the suspicious
22	establish any definitions of what is a suspicious order?	22	order monitoring program at the time that you took over as director, is that do
23	A. No.		I remember that correctly?
24	Q. Did regulatory affairs	24	A. So Buzzeo was a consultant,
	2. Dia logalatory arrails		11. 50 Bulleto was a consultant,

Page 98 ¹ for all things DEA, when I took over.

Q. Okay.

2

- A. Including the SOM.
- Q. Okay. So were you aware of ⁵ any audits at the time that you took over ⁶ as director that were being performed by ⁷ your department of the suspicious order monitoring program?
- A. Audits? I don't recall ¹⁰ audits.
- 11 Q. Do you recall whether Buzzeo ¹² had already or were in the process of ¹³ doing any audits of the suspicious order ¹⁴ monitoring program when you became ¹⁵ director?
- 16 A. I don't recall.
- 17 Q. As you sit here today, is ¹⁸ your first recollection of a change in 19 the existing suspicious order monitoring ²⁰ program that you inherited when you ²¹ became director, the first change of that ²² was the change that we saw in the 23 timeline, that is, at the end of 2007, ²⁴ beginning of 2008?

¹ order monitoring program at Henry Schein

- ² that you can recall?
- A. I can -- I can't recall
- specific changes. But I recall that it
- was a -- it was an ongoing evolutionary process.
- Q. Okay. And was that
- ⁸ evolutionary process being managed by
- regulatory affairs or by the
- ¹⁰ verifications department?
- 11 A. It was a collaborative 12 effort --
 - Q. Okay.

13

- 14 A. -- where both teams worked to continuously, you know, review and monitor the -- the process.
- 17 Q. And what role did you play, ¹⁸ if any, in that process?
- A. My role as the director was ²⁰ to provide the resources and support for ²¹ the verifications team, to make sure that
- ²² Sergio and his team, the regulatory team,
- ²³ would be able to support the
- ²⁴ verifications group.

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- Q. The first change in the
- ³ suspicious order monitoring program, yes.
- A. 2007 being the first change, is that the question?

A. The first change?

- Q. No. Let me repeat it. 6
- 7 You became director sometime before 2007.
- 9 A. Yes.
- 10 Q. I assume we are talking ¹¹ about a matter of two, three, or
- ¹² four years.
- 13 A. I would say probably more
- ¹⁴ than that. I would say closer to 2000,
- ¹⁵ 2001, '2. The early 2000s --
- Q. Okay. 16
- 17 A. -- when I became --
- Q. From 2002 until 2007 when you first -- the first date you put on
- ²⁰ the SOM project in the timeline we
- 21 discussed there --
- 22 A. Okay.
- Q. -- were there changes made
- ²⁴ to the suspicious order -- suspicious

Q. And do you recall any ways

² in which Sergio and his team supported

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- ³ the verifications group in the time frame
- ⁴ from 2002 to 2007 specifically to change
- ⁵ the system? Do you recall anything
- ⁶ specifically?
- A. I don't recall anything
- specifically. But I know that there --
- there are a lot of meetings, and a lot of
- interaction and a lot of discussion about
- the suspicious orders monitoring system.
- Q. Did you participate in those ¹³ discussions?
- 14 A. Yes.
- 15 Q. Were there regular meetings ¹⁶ in that time frame?
- 17 A. There were meetings. There were -- there were lots of meetings with
- the verifications group and the IT group.
- Q. Okay. And when did -- when
- ²¹ did the -- did you -- strike that. In those meetings, was it
- ²³ the verifications department that was --
- ²⁴ that was relying on Sergio Tejeda's team

	Page 102		Page 104
	for regulatory support?		question. So there was there was
2	During that period of time	2	again, you know, we had a constant
3	was it the verifications team that was	3	interaction with him on a regular not
4	operationally implementing the system?	4	a regular, you know, daily basis, but on
5	MR. McDONALD: Object to the	5	an occasional basis when we had a
6	form.	6	question about a DEA issue or a
7	THE WITNESS: During that	7	suspicious order monitoring suspicious
8	time was the verification team	8	order.
9	implementing the system, the	9	Q. Okay. Let me show you
10	suspicious order monitoring	10	Exhibit 9 that I've already given you.
11	system?	11	This is an e-mail that was copied to you.
12	BY MR. MIGLIORI:	1	When you deal with deal with e-mails,
13	Q. Yeah.		you start at the bottom and go up.
14	A. Yes. They they the	14	A. Okay.
15	verifications team implemented the	15	Q. That's the way the chains
16	system. It was yeah.	16	work.
17	Q. What resources or support	17	But this is January of 2007.
18	would Sergio Tejeda be giving to them in	18	And it's from Donna Remondino to you and
	that time frame?	19	others. At that time what did Donna
20	A. The support would be	20	Remondino do?
21	regulatory technical support in the form	21	A. Donna worked in the
	of helping them to decide, for example,	22	verifications group.
	if this order was suspicious or not.	23	Q. She wrote to you and said,
24	If this you know, at some	24	"Trib called."
	ii iiis you iiio ii, ac soiiio		illo vallou.
		_	
	Page 103		Page 105
1	point in time, there was a lot of	1	Who is Trib?
2	point in time, there was a lot of activity and support with the consultant,	2	Who is Trib? A. Trib is a programmer, he
3	point in time, there was a lot of activity and support with the consultant, Buzzeo. So that's another form of	2 3	Who is Trib? A. Trib is a programmer, he worked in IT.
3 4	point in time, there was a lot of activity and support with the consultant, Buzzeo. So that's another form of support between Sergio and the	2 3 4	Who is Trib? A. Trib is a programmer, he worked in IT. Q. Okay.
2 3 4 5	point in time, there was a lot of activity and support with the consultant, Buzzeo. So that's another form of support between Sergio and the verification team.	2 3 4 5	Who is Trib? A. Trib is a programmer, he worked in IT. Q. Okay. A. He's a IT programmer.
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se: _H	1:17-md-02804-DAP Doc#: 3025-37 Filed tighly confidential = Subject to	; 1	2/19/19 28 of 85 PageID#: 460097 Further Confidentiality Review
	Page 106		Page 108
1	Q. Is this one of the ways in	1	A. The record retention policy
2	which verifications used regulatory	2	was set by legal.
3		3	Q. That's is regulatory part
4	A. Yes, yes.	4	of legal or is that a separate department
5	•	5	
6		6	A. At what point in time are
7	'07 was reporting to you, correct?	7	you referring to?
8	A. Correct.	8	Q. Let's start with 2007.
9	Q. Sergio responded copying	9	A. In 2007, I don't recall the
10	you, saying, "Donna, purging drug files	10	
	older than five years is acceptable and	11	period, regulatory was part of legal.
	in compliance with DEA regulations and	1	There was a point that regulatory was not
	company policy. For future reference on	1	part of legal. So there there was a
	recordkeeping for controlled substances		transition. When when David was
	products, I'm attaching a copy of the	1	reporting to legal.
	corporate record retention policy.	16	
	Please ensure we maintain controlled		transactional records were purged in
		1	2009.
19	substances records accordingly." Do you recall that that was	19	
			Do you recall that being the case?
	the policy at Henry Schein, to keep	21	
	controlled substance drug files for five		A. Transactional records were
23	years only?	23	purged in 2009? Q. Mm-hmm.
	11. I don't recan specifically	24	•
	the five-year policy. But I know we had		
	Page 107		Page 109
	a policy.		don't I'm not familiar with that.
2	Q. Do you know why do you	2	Q. Were you part or any
	know why Henry Schein maintained a	1	decision to purge any records that might
	five-year policy, purpose behind it?	1	relate to transactions or DEA reporting
5	A. Do I know why Henry Schein	5	requirements in 2009 of at any time.
6	maintained a policy?	6	A. No. I was not involved.
7	Q. A five-year	7	(Document marked for
8	A. Five-year	8	identification as Exhibit
9	Q record retention policy.	9	Schein-DiBello-10.)
10	A. No, I don't. I don't know	10	BY MR. MIGLIORI:
11	why it was five years.	11	Q. I'll show you Exhibit 10:
12	Q. We've talked a lot in other	12	Exhibit 10 is a document received from
13	depositions about the the databases	13	Henry Schein called The Suspicious
14	and the computer systems. At this time,	14	Monitoring System Meeting Confidential.
15	is the JD Edwards, is that the name of	15	It's October 10, 2007. The
16	the system?	16	attendees include folks from your team,
17	A. JD Edwards.	17	Sergio Tejeda and Craig Schiavo, right?
18	Q. Was that in place?	18	A. Yes.
19	A. Yeah, I think that was the	19	Q. Andy Tiller and Mark
20		20	William the summents of the view on small

²² responsibilities with respect to setting

²³ the record retention policy or decisions

²⁰ name of the system. Sounds right.

²⁴ to purge records?

Q. Did regulatory have any

21

²⁰ Wilburn, they reported to you as well,

Indirectly through Sergio.

Are these all regulatory

21 correct?

24 people?

A.

Q.

22

23

Hl		O .	Further Confidentiality Review
	Page 110		Page 112
1	A. Are these all, on the		thresholds and flag suspicious orders at
	attendees?	1	Henry Schein?
3	Q. Yeah.	3	MR. McDONALD: Object to the
4	A. Maggie was verification.	4	form.
5]	Maggie Wilding was part of the	5	THE WITNESS: I don't
6 1	verifications team. Patrick Hannahoe was	6	recall.
$\frac{7}{}$ t	the IT team. Jaysari Pal was also part	7	BY MR. MIGLIORI:
8 (of the Patrick's team, IT.	8	Q. So as you sit here, you just
9	Q. It says here that as the	9	don't recall either way. You don't
10 (October 10, 2007, minutes of a meeting,	10	recall this being true or untrue,
11 (confidential meeting. It says, "During	11	correct?
¹² t	this meeting it was decided that the	12	MR. McDONALD: Object to the
	suspicious monitoring system would take	13	
	top priority with IS over all of the	14	THE WITNESS: I don't recall
	regulatory projects."	15	it being true or untrue.
16	Is IS information systems?	16	BY MR. MIGLIORI:
17	A. Yes.	17	Q. This minute the minutes
18	Q. IT department?	18	go on to say, "Also during the meeting we
19	A. Yeah, yes. Same, yeah.	19	ran through Bob Williamson's
20	Q. "IS agreed to start figuring	20	recommendations and what we discussed in
21 (out how the system should be set up	21	the first meeting on 9/20/07, so that IS
	immediately and will supply regulatory	22	-
	with the specialty codes."	23	discussed in the previous meeting, as
24	Do you recall in October	1	well as what we are trying to do, so that
	•		
1 (Page 111	1	Page 113
	2007 beginning a suspicious order	2	our systems are in compliance with DEA."
	monitoring system that involved Henry		Do you iccan boo williamson
	Schein's internal information systems?	3	dt Buzzeo.
4	A. I don't recall the specific	4	A. Let me just correct my
	meeting.	6	previous statement.
6	Q. Is it do you recall that	_	You asked if I recall this
	prior to this date, that the suspicious	,	as being true of unitrue.
	order monitoring program at Henry Schein	8	Q. Yes.
9 1	was not IT based?	9	A. I don't recall this as being
	MR. McDONALD: Object to the	10	true.
11 12 1	form.	11	Q. Okay. Well, let's unpack
13	BY MR. MIGLIORI:	13	mat.
14	Q. It wasn't automated.	١	The this memo you'll
15	A. Prior to 2007?	14	agree with the that this those inflates
16	Q. Correct.	15	or this meeting, or rollis that reported
17	A. I don't recall that.	16	to you, suggest that a system needs to be
	Q. The next line of the minutes	17	able to be set up to set thresholds and
	of the meeting says, "The system needs to	18	flag suspicious orders. That's what the
	be able to set thresholds and flag all	19	document says, correct?
20 5	suspicious orders."	21	MR. McDONALD: Object to the
41	Does this refresh your		form.
22	modellastion that a system was 1	一つつ	THE WITNESS. Comment
	recollection that a system was being	22	THE WITNESS: Correct.
23 i	recollection that a system was being implemented and designed as of October 2007 to create an automated system to set	22 23 24	BY MR. MIGLIORI:

Page 114 untrue statement, that this system needed to be designed in October of 2007? MR. McDONALD: Object to the form. THE WITNESS: Can you repeat the question? PBY MR. MIGLIORI: BY MR. MIGLIORI: Co. Sure. These minutes of this meeting of folks that report to you said take top priority with the IS department cover all regulatory projects. Co. Okay. These minutes of the meeting, this group ran through Bob Williamson's recommendations and what we seed and understanding of what figuring out how the system should be set up immediately and will supply regulatory with specialty codes." Do you recall that to be a Page 115 true statement in 2007? A. I don't recall. Co. These folks who worked for you also reported in minutes of their meeting in October of 2007; A. I don't recall. Co. These folks who worked for you also reported in minutes of their meeting in October of 2007; A. I don't recall. Co. These folks who worked for you also reported in minutes of their meeting in October of 2007? A. I don't recall. Co. The next sentence talks corders." Do you recall that to be true in October of 2007? A. I don't recall. Co. The next sentence talks corders." Do you recall that to be true in October of 2007? A. I don't recall. Co. The next sentence talks corders." Do you recall that to be true in October of 2007? A. I don't recall. Co. The next sentence talks corders." Do you recall that to be true in October of 2007? A. I don't recall. Co. The next sentence talks corders." Do you recall that to be true in October of 2007? A. I don't recall. Co. The next sentence talks corders." Do you are an about a man by the name of Bob Cordens." A. Yes. Co. You knew him well, is that What you said? A. Yes. Co. Vokay. These minutes of the fenceting, this group in through Bob Williamson. Co. Okay. These minutes of the fenceting, this talk was discussed in the previous meeting of what was discussed in the previous meeting of was discussed in the first meeting of the		Turther Confidentiality Review
2	Page 114	
MR. McDONALD: Object to the		
form. Figuring out how the system should be set up immediately and will supply regulatory with specialty codes." Page 115 true statement in 2007? A. I don't recall. Q. These folks who worked for you asso reported in minutes of their shedisk and flag all suspicious orders. Page 115 true statement in 2007? A. I don't recall. Q. These folks who worked for you also reported in minutes of their shedisk and flag all suspicious orders. Page 115 true statement in 2007? A. I don't recall. Q. These folks who worked for you also reported in minutes of their shedisk and flag all suspicious orders. Page 115 The WITNESS: I don't recall. Q. All right. Consistent with the second about a man by the name of Bob Williamson. Do you remember Bob Williamson. Do you knew him well, is that Williamson. Williamson. Williamson. Williamson. Williamson.	_	A. ICS.
THE WITNESS: Can you repeat the question? Park M. MIGLIORI: Q. Sure. These minutes of this meeting of folks that report to you said a few things. One, that it was decided that a suspicious monitoring system would that a run estatement of them? To the best of your recollection, was that a true statement the them? A. 2007. I don't recall. Q. Okay. These minutes of the meeting, this group ran through Bob meeting, this group ran through Bob meeting, this group ran through Bob will williamson's recommendations and what we discussed in the first meeting of sports of the was discussed in the first meeting of what was discussed in the previous meeting, as september 20, 2007, so that the information systems and the GIV department had an understanding of what was discussed in the previous meeting, as was discussed in the previous meeting, as was discussed in the previous meeting as pertious meeting of your staff says. Page three that during the meeting, this group ran through Bob williamson's recommendations and what we discussed in the previous meeting of sports of a minutes of the was discussed in the previous meeting as was discussed in the previous meeting as was discussed in the previous meeting, as was discussed in the previous meeting as pertous previous meeting. The was discussed in the previous meeting of your systems and the GIV department had an understanding of what was discussed in the previous meeting of your systems and the GIV department had an understanding of what was discussed in the previous meeting as was discussed in the previous meeting. The meeting of your systems and the GIV department had an understanding of what was discussed in the previous meeting. The meeting of your systems are in compliance with the	3	
the question? Pay MR. MIGLIORI: Recting of folks that report to you said that a suspicious monitoring system would take top priority with the IS department over all regulatory projects. To the best of your then? A. 2007. I don't recall. Q. Okay. The the minutes of this meeting of your staff says, and if the meeting of meeting, this group ran through Bob Williamson's recommendations and what we discussed in the first meeting of well as what we are trying to do so that the flow of your staff says, and if the previous meeting, as well as what we are trying to do so that the your pour the previous meeting, as well as what we are trying to do so that the flow our staff says. Do you recall that to be and true statement in 2007? The statement in 2007? A. I don't recall. Q. The next sentence talks and flag all suspicious for the meeting in October of 2007, and the GIV department had an understanding of what well as what we are trying to do so that to was discussed in the first meeting of meeting, in what we all suspicious and since with the flag our systems and the GIV department had an understanding of what well as what we are trying to do so that to the flag our systems and the GIV department had an understanding of what well as what we ar	4 form.	⁴ lead consultants of Buzzeo, correct?
Page 115 True statement in 2007? A. I don't recall. Page 115 True statement in 2007? A. I don't recall. Q. These folks who worked for 4 you also reported in minutes of their 5 meeting in October of 2007, that the 6 "system would need to be able to set orders." Do you recall that to be a Use orders." Do you recall that to be a Use orders." Do you recall that to be a Use orders." Do you recall that to be a Use orders." Do you recall that to be a Use orders. Do	⁵ THE WITNESS: Can you repeat	⁵ A. He was one of the
8 Q. Sure. These minutes of this 9 meeting of folks that report to you said 10 a few things. One, that it was decided 11 that a suspicious monitoring system would 12 take top priority with the IS department 13 over all regulatory projects. 14 To the best of your 15 recollection, was that a true statement 16 then? 17 A. 2007. I don't recall. 18 Q. Okay. The the minutes of 19 this meeting of your staff says, 17 minutes agreed to start 18 figuring out how the system should be set 19 up immediately and will supply regulatory 23 with specialty codes." 24 Do you recall that to be a Page 115 1 true statement in 2007? 24 A. I don't recall. 3 Q. These folks who worked for 4 you also reported in minutes of their 5 meeting in October of 2007, that the 6 "system would need to be able to set 7 thresholds and flag all suspicious 8 orders." 9 Do you recall that to be 10 true in October of 2007? 11 A. I don't recall. 12 Q. The next sentence talks 13 about a man by the name of Bob 14 Williamson. Do you remember Bob 15 Williamson. Do you remember Bob. 16 A. Yes, I remember Bob. 17 Q. Did you have interactions 18 with him? 19 MR. MigLior. 19 MR. McDONALD: Object to the form. 19 MR. McDONALD: Object to the form. 10 THE WITNESS: Point of 11 true as association. This was the Ron 12 MR. McDONALD: Object to the form. 13 BY MR. MIGLIORI: 14 Do you recall that? 15 department had an understanding of what was discussed in the first meeting of 16 September 20, 2007, so that the 18 information systems and the GIV 19 Well as what we are trying to do so that 18 our systems are in compliance with the 19 DEA. 20 Do you recall that to be a 21 true state of affairs as of July 10, 2007 21 at Henry Schein? 22 at Henry Schein? 23 BY MR. MiGLIORI: 24 Do you recall that to be 25 the timeline that we looked at before 26 that you had in your PowerPoint 27 presentation, it was around September 20 28 of 2007 that you reported to the trade 29 association All my the well with trade association. 20 A. Yes, I remember Bob. 21 Go Q. Oyou knew him well, is	6 the question?	⁶ consultants.
9 meeting of folks that report to you said a few things. One, that it was decided that a suspicious monitoring system would take top priority with the IS department at the tare suspicious monitoring system would take top priority with the IS department and take top priority with the IS department to the top the top to the take top priority with the IS department to the province that to the province that the statement to the then?	⁷ BY MR. MIGLIORI:	⁷ Q. Okay. These minutes of the
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Page 118 Page 120 A. Right. But this was -- this 1 THE WITNESS: I don't ² was a Cegedim Dendrite annual controlled understand what you mean by 3 ³ substance conference, not a trade automated system. We -- we had a ⁴ association. computer system that identified 5 Q. Okay. So it was Buzzeo's thresholds. 6 conference --So when you say automated 7 system, it doesn't clearly A. It was Buzzeo's conference. 8 8 O. But -- but a bunch of describe the -- the system at 9 different distributors were there? 2007. Because there was a system 10 10 A. There were -- there were in place, and -- there was a 11 computer system in place with 11 distributors. 12 12 Q. It was -- it wasn't a trade respect to thresholds. 13 association apparently. 13 BY MR. MIGLIORI: 14 A. It wasn't a trade 14 Q. All right. Well, I'm definitely not trying to put words in association. your mouth. And I'll try my best to 16 Q. But you did present at that ¹⁷ conference, that, in fact, in September stick to what's on this Exhibit Number 10 of 2007, Henry Schein started the SOM sitting in front of you, okay? But to do that, I'm going to project. 20 MR. McDONALD: Object to the ²⁰ refer you back to -- is it Exhibit 3. ²¹ Can you just look at the front page of 21 form. Mischaracterizes the ²² your timeline, the one that's in your 22 document. ²³ hand? What's the exhibit number? ²³ BY MR. MIGLIORI: Q. Right? Well, you can read A. Exhibit 5. Page 119 Page 121 ¹ the timeline --Q. All right. Exhibit 5. In ² your PowerPoint that you prepared and you MR. McDONALD: Correct. It 3 presented to Buzzeo's conference, you doesn't say A. ⁴ BY MR. MIGLIORI: ⁴ actually picked a date of 9/20/2007. Do Q. What does it say? you see that? 6 A. It says, "SOM project A. Yes, I didn't -- I didn't started." pick the date. I didn't prepare --Q. You presented the date. Q. Okay. And you understand ⁹ that to be the one that Buzzeo was A. I presented it, correct. consulting on, correct, in that Buzzeo 10 Q. And in that it says, presentation that you're making? "Suspicious order monitoring project 12 12 started." A. Correct. 13 Q. Okay. So if we get back to 13 That's what your 14 this exhibit, Number 10 in front of us, presentation said, correct? 15 ¹⁵ does this refresh your recollection that That's what it says. ¹⁶ as of the time you started this SOM 16 Q. All right. Now, I'm going project in September of 2007, that the to bring you to Exhibit Number 10. ¹⁸ suspicious order monitoring program was Exhibit Number 10 talks specifically 19 not implemented through the Henry Schein about a meeting that you had with Bob ²⁰ information system at that time? That it ²⁰ Williamson, that is you being Henry ²¹ was not an automated system as of 21 Schein, on the same date, 9/20/2007. And ²² September of 2007. ²² the purpose of that meeting, it was 23 MR. McDONALD: Object to the 23 discussed that what we were trying to do, 24 ²⁴ that our systems are in compliance with form.

Page 122	Page 124
¹ the DEA.	Q. Okay.
Will you agree with me at	A receiving the minutes.
3 the very least that the meeting	Q. These this group,
⁴ referenced in this confidential minutes	⁴ including Sergio Tejeda and others that
⁵ on October 10, 2007, shares the same date	⁵ reported to you, said that the
6 as the date the somebody picked for you	⁶ information systems agreed to "start
⁷ as the beginning of the SOM project?	⁷ figuring out how the system should be set
8 A. That's correct.	⁸ up immediately and will supply regulatory
⁹ Q. All right. Will you also	⁹ with the specialty codes."
¹⁰ agree with me that the folks that report	So you agree with me at
¹¹ to you were boil down to a document	least that this group believed that this
¹² that reflects the minutes of this	¹² system needed to be set up immediately
13 meeting, where they say, first, it was	¹³ and figure out how to start figuring out
¹⁴ decided that the suspicious monitoring	how the system would be set up?
system would take top priority with the	A. Correct.
¹⁶ informations systems department over all	Q. All right. And then that
other regulatory products projects.	this group said that this system that
You'll agree that's what it	18 needed to start immediately, that they
19 says?	¹⁹ needed to figure out, "needed to be able
A. Correct.	²⁰ to set thresholds and flag all suspicious
Q. All right. And you have no	orders," that that was the priority at
reason as you sit here to doubt that that	the time in October of 2007?
²³ was now a priority of your regulatory	MR. McDONALD: Object to the
team with verifications, the folks at	24 form.
, and the second	
D 102	D 125
Page 123	Page 125
¹ this meeting, correct?	¹ THE WITNESS: That's what
 this meeting, correct? A. I think that this meeting 	THE WITNESS: That's what the that's what it says.
 this meeting, correct? A. I think that this meeting captured what what was already a an 	THE WITNESS: That's what the that's what it says. BY MR. MIGLIORI:
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 this meeting, correct? A. I think that this meeting captured what what was already a an ongoing evolutionary project. And this just reflects at that point in time what 	THE WITNESS: That's what the that's what it says. BY MR. MIGLIORI: Q. And by reference to Bob Williamson and the prior meetings on
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 this meeting, correct? A. I think that this meeting captured what what was already a an ongoing evolutionary project. And this just reflects at that point in time what they documented was already in place. Meaning, a priority and a project. 	THE WITNESS: That's what the that's what it says. BY MR. MIGLIORI: Q. And by reference to Bob Williamson and the prior meetings on September 20, 2007, this group is reporting out that the whole purpose of
 this meeting, correct? A. I think that this meeting captured what what was already a an ongoing evolutionary project. And this just reflects at that point in time what they documented was already in place. Meaning, a priority and a project. Q. Okay. Without putting words 	THE WITNESS: That's what the that's what it says. BY MR. MIGLIORI: Q. And by reference to Bob Williamson and the prior meetings on September 20, 2007, this group is reporting out that the whole purpose of starting this project, figuring out how
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	ighly Confidential - Subject to		
	Page 126		Page 128
	minutes of the meeting from this date,	1	attendees. And as part of the attendees,
2	correct?	2	it lists Mike DiBello for Henry Schein,
3	A. Correct.	3	and Sergio Tejeda. Do you see that?
4	Q. But Sergio Tejeda, Craig	4	A. Yes.
5	Schiavo, Andy Tiller, Mark Wilburn,	5	Q. Do you recall attending this
6	reported to you directly, correct?	6	meeting?
7	A. Not directly. Sergio	7	A. Yes.
8	reported to me directly. Craig, Andy,	8	Q. Do you recall where it was?
9	and Mark reported to Sergio.	9	A. No.
10	Q. Who then reported to you.	10	Q. All right. Let's go through
11	A. Who reported to me.	11	it.
12	Q. All right. And is it a	12	Suspicious orders. Do you
13	reasonable reading of this memorandum	13	recall that a subject matter of this
14	that the information systems, the	14	meeting included suspicious orders?
15	automation within Henry Schein to date,	15	A. Yes.
16	was not set up to set thresholds and flag	16	Q. Do you recall the DEA
17	all suspicious orders yet?	17	distributor initiative employee Kyle
18	MR. McDONALD: Object to the	18	Wright speaking at this meeting?
19	form.	19	A. I don't recall.
20	THE WITNESS: I don't recall	20	Q. Do you know who Kyle Wright
21	that.		is?
22	BY MR. MIGLIORI:	22	A. No.
23	Q. Okay. Now, around this same	23	Q. It says under suspicious
24	time, there was an HDA meeting with the	24	orders, "Kyle Wright joined the meeting
	Page 127		D 100
	1 agc 127		Page 129
1	-	1	- 1
	HDMA meeting with the DEA. This is in Exhibit Number 11.	1	and provided DEA's presentation on
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Page 130 Page 132 1 director of regulatory affairs, I O. "When asked if these don't recall when the "know your 2 ² customers weren't DEA registrants and 3 customer" standard became ³ what steps did the DEA take to evaluate ⁴ them before registration, Kyle made it effect -- or -- became effective 5 ⁵ clear that the DEA didn't have the specifically. ⁶ BY MR. MIGLIORI: resources to inspect or otherwise follow up on all registrants." Q. All right. You know that Did you understand, at least 8 the HDMA has recognized that the "know your customer" obligations always existed in October of 2007, that the obligations to inspect and know the customer were ¹⁰ within the Controlled Substances Act obligations, don't you? those of the distributors, not the DEA? 12 12 MR. McDONALD: Object to the Yes. A. 13 Q. "Kyle also offered to act as form. ¹⁴ an" -- "as an information conduit in the 14 THE WITNESS: I -- you're asking if I know that HDMA always event that any distributor terminated a 15 pharmacy or clinic customer based on 16 recognized "know your customer" suspicious orders." 17 17 standard? BY MR. MIGLIORI: 18 Were you aware the DEA was a resource to Henry Schein in the event 19 O. Yes. that it needed further guidance on any 20 A. I don't know that. particular act or suspension? Q. Okay. This -- these minutes ²² go on to say, "DEA also wants 22 MR. McDONALD: Object to the ²³ distributors to assess orders and stop 23 form. 24 them before they are filled if there is a 24 THE WITNESS: Yes. Page 133 Page 131 ¹ reason to be suspicious, and expects ¹ BY MR. MIGLIORI: ² wholesale distributors to thoroughly Q. "He offered to notify all ³ evaluate orders, the dispensers ³ other distributors, than an unnamed ⁴ themselves, the dispensers' customers." ⁴ distributor" -- I think it's supposed to Did you appreciate, in ⁵ be that an unnamed distributor -- "had ⁶ October of 2007, that that's what the DEA ⁶ terminated an account. That is, he expected of distributors? ⁷ offered to serve as a resource to share MR. McDONALD: Object to the ⁸ information among distributors about 9 terminated accounts because" -- "because form. 10 THE WITNESS: Yes. ¹⁰ of suspicious orders." 11 Were you aware of that? ¹¹ BY MR. MIGLIORI: 12 Q. "Kyle went so far as to A. Yes. ¹³ discuss having a distributor's employee Q. And then the response of the ¹⁴ take a look at the dispensing site's ¹⁴ members of the HDA, according to these physical location and watch for minutes, included the observation that 16 "the view was that the DEA is expecting 16 suspicious activity." distributors to perform a significantly 17 Were you aware that the DEA ¹⁸ in October of 2007 was telling enhanced form of customer due diligence." ¹⁹ distributors that part of knowing your 19 Did you understand in customer was on-site inspections? ²⁰ October of 2007 that the DEA expected 21 MR. McDONALD: Object to the that the due diligence be conducted in a significantly enhanced way from the way 22 form. 23 it had been to date? 23 THE WITNESS: Yes. 24 ²⁴ BY MR. MIGLIORI: Yes.

Page 1	
Q. Did you understand in	¹ a concern.
² October of 2007 that the DEA expected	Q. You'll agree with me though
³ distributors to develop a proactive	³ that at least based on the minutes that
⁴ stop-shipment order monitoring model	⁴ we just saw of the group that reported to
⁵ relative to suspicious orders?	⁵ you, that at this time, it seemed that
6 A. Yes.	⁶ Henry Schein decided to, in fact, going
Q. And did you appreciate that	⁷ back to Exhibit Number 10, decided in
8 the DEA expected distributors to expand	⁸ fact to get their IT department actively
⁹ their controlled substances reporting,	⁹ involved in setting up and figuring out
that is, to be more inclusive if there	how to come up with the suspicious order
was a doubt or question?	¹¹ monitoring system that could set
MR. McDONALD: Object to the	thresholds and flag suspicious orders?
form.	MR. McDONALD: Object to
THE WITNESS: Can you	14 form.
restate that last question?	15 BY MR. MIGLIORI:
¹⁶ BY MR. MIGLIORI:	Q. Whether it was expensive or
Q. Sure. Did did you	17 not, Henry Schein actually proactively
¹⁸ appreciate in October of 2007 that the	18 engaged its information systems
¹⁹ DEA expected distributors to expand their	
²⁰ reporting of suspicious orders in the	²⁰ minutes?
21 event that there was a question?	MR. McDONALD: Object to the
²² A. Yes.	form.
Q. More information is better?	THE WITNESS: Yes.
MR. McDONALD: Object to the	MR. McDONALD: Are you
<u> </u>	·
Page 1:	
101111.	moving to a new document? MR_MIGLIORI: What's that?
² BY MR. MIGLIORI:	WIK. WHOLIOKI. What's that:
Q. Correct?	WIR. McDolvillo. The you
A. More information is better?	moving to a new document? MR_MIGLIORI: I think so
Q. In the context of reporting	WIK. WHOLIOKI. I tillik so.
6 suspicious orders.	6 MR. McDONALD: Why don't we
A. Yes. I understood that.	⁷ take a lunch break.
⁸ Q. Then it says here,	O THE LUDEO OD A DIFED D
	8 THE VIDEOGRAPHER: Remove
⁹ "Attendees expressed a number of	⁹ your microphones. The time is
¹⁰ concerns, including: The systems that	your microphones. The time is 1:58 p.m. Off the record.
 concerns, including: The systems that DEA appears to expect are expensive and 	your microphones. The time is 1:58 p.m. Off the record.
 concerns, including: The systems that DEA appears to expect are expensive and require IT and other expertise that is 	your microphones. The time is 1:58 p.m. Off the record. 11 12 (Lunch break.)
 concerns, including: The systems that DEA appears to expect are expensive and require IT and other expertise that is currently invested in other regulatory 	your microphones. The time is 1:58 p.m. Off the record. 1:2 (Lunch break.) 1:3
concerns, including: The systems that DEA appears to expect are expensive and require IT and other expertise that is currently invested in other regulatory efforts, electronic pedigree systems."	your microphones. The time is 1:58 p.m. Off the record. 1:50 p.m. Off the
 concerns, including: The systems that DEA appears to expect are expensive and require IT and other expertise that is currently invested in other regulatory efforts, electronic pedigree systems." Was that the experience of 	your microphones. The time is 1:58 p.m. Off the record. 1:2 (Lunch break.) 1:3
 concerns, including: The systems that DEA appears to expect are expensive and require IT and other expertise that is currently invested in other regulatory efforts, electronic pedigree systems." Was that the experience of Henry Schein, that is, in having and 	your microphones. The time is 1:58 p.m. Off the record. 1:58 p.m. Off the record. 1:52 (Lunch break.) 1:3 1:4 THE VIDEOGRAPHER: We are 1:5 back on the record. The time is 1:49 p.m.
concerns, including: The systems that DEA appears to expect are expensive and require IT and other expertise that is currently invested in other regulatory efforts, electronic pedigree systems." Was that the experience of Henry Schein, that is, in having and attending this meeting with Kyle Wright,	your microphones. The time is 1:58 p.m. Off the record. 1:2 (Lunch break.) 1:3 1:4 THE VIDEOGRAPHER: We are 1:5 back on the record. The time is 1:49 p.m.
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concerns, including: The systems that DEA appears to expect are expensive and require IT and other expertise that is currently invested in other regulatory efforts, electronic pedigree systems." Was that the experience of Henry Schein, that is, in having and attending this meeting with Kyle Wright, that the concern about better due	your microphones. The time is 1:58 p.m. Off the record. 1:2 (Lunch break.) 1:3 1:4 THE VIDEOGRAPHER: We are 1:5 back on the record. The time is 1:49 p.m. 1:49 p.m. 1:49 AFTERNOON SESSION
concerns, including: The systems that DEA appears to expect are expensive and require IT and other expertise that is currently invested in other regulatory efforts, electronic pedigree systems." Was that the experience of Henry Schein, that is, in having and attending this meeting with Kyle Wright, that the concern about better due diligence and more reporting and	your microphones. The time is 1:58 p.m. Off the record. 1:58 p.m. Off the record. (Lunch break.) 1:58 p.m. (Lunch break.) THE VIDEOGRAPHER: We are back on the record. The time is 1:49 p.m. AFTERNOON SESSION 19
concerns, including: The systems that DEA appears to expect are expensive and require IT and other expertise that is currently invested in other regulatory efforts, electronic pedigree systems." Was that the experience of Henry Schein, that is, in having and attending this meeting with Kyle Wright, that the concern about better due diligence and more reporting and proactive stop-shipment monitoring, that	your microphones. The time is 1:58 p.m. Off the record. 1:2 (Lunch break.) 1:3 1:4 THE VIDEOGRAPHER: We are 1:5 back on the record. The time is 1:49 p.m. 1:40 p.m.
concerns, including: The systems that DEA appears to expect are expensive and require IT and other expertise that is currently invested in other regulatory efforts, electronic pedigree systems." Was that the experience of Henry Schein, that is, in having and attending this meeting with Kyle Wright, that the concern about better due diligence and more reporting and proactive stop-shipment monitoring, that it was going to be a costly IT endeavor	your microphones. The time is 1:58 p.m. Off the record. 1:2 (Lunch break.) 1:3 1:4 THE VIDEOGRAPHER: We are 1:5 back on the record. The time is 1:49 p.m. 1:40 p.m.

Page 138 Page 140 ¹ BY MR. MIGLIORI: ¹ you understand that to be the then ² existing methodology for setting a Q. Mr. DiBello, let me show you ³ threshold for controlled substances? ³ Exhibit 12. Now, as I understand the way ⁴ it worked between regulatory affairs and A. Yes. ⁵ verifications, the relationship with That data -- that the Q. ⁶ Buzzeo was mostly facilitated through current system was based on that data, modifications having been made, and new ⁷ regulatory affairs, is that fair? 8 A. Correct. products added since the 2002 study, and at the entry of the threshold is a manual Q. And in 2005, you were the 10 director of regulatory affairs, correct? process conducted by the verification 11 A. In 2005, I believe I was the team. Is that consistent with your ¹² director of regulatory. I don't remember recollection that, from 2002 through 13 the exact date when it happened. But ¹³ 2005, thresholds were manually entered, ¹⁴ it's -- 2005 seems correct. ¹⁴ and it was a product or a function of the Q. Okay. And so if Buzzeo did verification team? ¹⁶ a report in 2005, then it's something A. Yes. that you would have at least received, if 17 Q. It goes on to say, that, not been the recipient of? ¹⁸ "The verification team is a dedicated 19 A. Correct. team that monitors on a daily basis those 20 orders that the system flags as a Q. In front of you, Exhibit 12, 21 is a Buzzeo report dated September 16, ²¹ suspicious and places on a pend status." ²² 2005. And it references Henry Schein and Did you understand that to ²³ be the system during this period from ²³ an executive summary on the top page from ²⁴ a visit from Kathleen Malone, project ²⁴ 2002 to 2005? Page 139 Page 141 ¹ manager from Buzzeo. Do you recall A. Yes. ² Kathleen? Q. And did you understand that A. Yes. ³ the system flagging suspicious orders was synonymous with a pend status? Q. And what did you understand ⁵ her role to be? A. Can you repeat that A. She was the person that was question? going to be our primary point person that Q. Sure. It says, "Those ⁸ Buzzeo selected for this project. orders that the system flags as Q. Okay. So in 2005, you would suspicious and places on a pend status." ¹⁰ have interacted directly with her as So in the system, between ¹¹ Buzzeo was reviewing the suspicious order 2002 and 2005, an order that was labeled ¹² monitoring procedure and process? or that was placed on a pend status was a 13 A. I don't recall interacting suspicious order? 14 ¹⁴ directly with her. I'm sure I had MR. McDONALD: Object to the 15 probably a meeting with her, but I form. ¹⁶ wouldn't say I interacted with her on a 16 THE WITNESS: I wouldn't ¹⁷ regular basis. 17 agree with that. 18 18 Q. You'll see that in the BY MR. MIGLIORI: ¹⁹ executive summary, they talk about how 19 Q. Okay. Would you agree with ²⁰ Dr. Schein, in 2002, conducted a study me that suspicious orders were pended? ²¹ averaging all orders for each product 21 A. Suspicious orders were ²² placed over one years time to determine 22 pended. That's correct. 23 ²³ the significant threshold for each Q. Okay. The verification team ²⁴ product cumulative for six months. Did ²⁴ was also responsible for verifying

Page 142 ¹ registration, licensure, et cetera, system to highlight suspicious controlled ² substance orders and to identify orders ² correct? ³ of unusual size, frequency and deviation A. Correct. ⁴ from normal patterns. Thresholds have Q. And Kathleen says, "The ⁵ purpose of this review is to determine if ⁵ been set and are reviewed by HSI's staff ⁶ the system is operating in accordance pharmacist." ⁷ with DEA regulations and whether the That is what the SOP says. 8 thresholds are in line with best industry Do you see that? practices." A. Yes. 10 10 So you understood in Q. The findings, however, 11 September of 2005, that was the charge of report out differently. You're aware of ¹² Buzzeo to determine if Henry Schein was that, correct? 13 in compliance with DEA regulations and MR. McDONALD: Object to best practices? 14 15 15 A. Correct. THE WITNESS: I'm not aware O. Did you review this in 16 16 of that. preparation for today? BY MR. MIGLIORI: 18 A. Yes. Q. Let's go to the first 19 Q. So we can go through this finding. The first finding is that, "The ²⁰ quickly. This audit starts out by Henry Schein system is based solely upon ²¹ restating what the Controlled Substances excessive order thresholds. Orders are ²² Act requires. We've already talked about not highlighted for frequency or ²³ that earlier this morning, correct? deviation from patterns." Would you agree with me A. Yes. Page 145 Page 143 ¹ that, if true, that is not consistent Q. And it defines suspicious ² orders including orders of unusual size, ² with the standard operating procedure ³ document referenced above, correct? ³ orders deviating substantially from ⁴ normal patterns, and orders of unusual MR. McDONALD: Object to the ⁵ frequency. That is what Buzzeo advised 5 form. ⁶ you, correct? THE WITNESS: I agree that 7 A. Correct. it's not consistent with what it Q. It says, "Henry Schein uses says above. I'm not sure I agree ⁹ a computerized monitoring system to with that specific statement. ¹⁰ highlight suspicious controlled substance 10 BY MR. MIGLIORI: 11 orders to identify orders of unusual 11 Q. Okay. So that's why I said ¹² size, frequency, and deviation from ¹² if true. 13 normal patterns. Thresholds have been 13 So let's break it down. ¹⁴ set and reviewed by HSI's staff 14 This first finding of Buzzeo, as reported 15 pharmacist." by Kathleen Malone, is that, "The Henry 16 ¹⁶ Schein system is based solely upon That's what the standard ¹⁷ operating procedure document says, excessive order thresholds. Orders are not highlighted for frequency or 18 correct? 19 ¹⁹ deviation from patterns." A. That's what was reported. Q. Okay. I want to make sure If Buzzeo is correct, you ²¹ we're clear, that she's quoting the ²¹ would agree with me that that is ²² standard operating procedure document ²² inconsistent with Henry Schein's standard ²³ R-03.07, which specifies that, "Henry ²³ operating procedure document, R-03.07, ²⁴ Schein uses a computerized monitoring ²⁴ correct?

Page 146 Page 148 MR. McDONALD: Object to the ¹ correct? 2 form. A. That's what she says, but I ³ think it's possible that you still review ³ BY MR. MIGLIORI: ⁴ orders based on frequency and pattern and Q. If true? ⁵ deviation, could still be done. Just A. I agree that it's inconsistent with the previous statement. ⁶ because the system at that particular Q. You don't believe it to be ⁷ time was not automated such, doesn't mean true, based on your recollection? that they could not do it manually. A. Correct. Q. As you sit here today, you 10 Q. All right. "When an order don't have an independent recollection pends, the investigation conducted by the that manually, they were proactively verification team includes the review of looking at frequency and pattern unless ¹³ order frequency and patterns; however, ¹³ triggered by a deviation in size, right? ¹⁴ this review will only occur if the order ¹⁴ You don't know that that was what was reaches a threshold limit." going on? 16 16 A. I wouldn't say that it's not Now, does that refresh your going on. I think that there are people ¹⁷ recollection that in 2005, Buzzeo in the verifications department that saw ¹⁸ informed you in regulatory affairs that 19 the system didn't highlight deviations in orders every day. ²⁰ frequency or pattern in and of themselves 20 Q. Okay. 21 And they -- they had the ²¹ independently of size? A. 22 ²² ability. A. I'm not sure I agree with 23 that statement. See patterns and to see Q. Will you agree with me that ²⁴ deviations from patterns. Just because Page 147 Page 149 ¹ the independent consultant that you hired ¹ the system itself at that particular time ² is at least in this document reporting to ² was not able to do it electronically or ³ you that your system only flags for ³ in an automated fashion, I don't -- I ⁴ deviations in size of orders, not ⁴ would not say that the people were not ⁵ disjunctively for deviations in frequency ⁵ able to do it. They were reviewing orders every day. That's what they did ⁶ or pattern? That's what she at least reports to you? in verifications. 8 A. The system? Q. Well, based on her own 9 Q. Correct. observations, or Buzzeo's observations, A. Correct. The system. 10 you'll agree with me that Buzzeo 11 recommended to you that a review of the 11 O. Yeah. program be conducted to ascertain whether 12 A. But --Q. And that only when the orders can be highlighted for not only 13 14 system kicks out a large -- a deviation unusual size but also for frequency. in size, does the verification team 15 Do you see that at least she recommended that your system be changed ¹⁶ follow up and actually look at frequency to capture frequency deviations? of pattern and frequency? 18 MR. McDONALD: Object to the A. Recommended a review of the 19 19 program, right, right. Program. form. 20 Q. Second finding, "There is no BY MR. MIGLIORI: 21 formal process in place to review Q. Deviation of frequency and threshold data on a periodic basis, nor 22 pattern? 23 is there currently a staff pharmacist 23 A. I don't agree with that. 24 That's what she says though, ²⁴ available to review the system thresholds

Page 150 Page 152 ¹ as stated in the standard operating operating procedures are --² procedure. The data from the year 2002 ² BY MR. MIGLIORI: ³ study was not available for review." Q. They are formal processes. Do you agree that at least Right. A. ⁵ here Buzzeo is identifying that the Q. And she is reporting here ⁶ threshold data was not consistent with ⁶ that you don't have a formal process in place that's consistent with your ⁷ the standard operating procedures at ⁸ standard operating procedure. That's ⁸ Henry Schein, that that's what she is what she's reporting. Whether you agree ⁹ reporting to you? 10 with it is the second question. A. The threshold data was not 11 consistent with -- sorry, could you 11 She's telling you that, 12 12 repeat the last part? right? Q. Sure. Buzzeo reports as a 13 13 A. No formal process to review ¹⁴ second finding to you that "there is no ¹⁴ the threshold. Right, there's no formal ¹⁵ formal process in place to review process to review the thresholds. ¹⁶ threshold data on a periodic basis, nor Q. As is stated in the standard ¹⁷ is there currently a staff pharmacist operating procedure, which is what your ¹⁸ available to review the system thresholds standard operating procedure says there 19 as stated in the standard operating to be. 20 ²⁰ procedure." MR. McDONALD: Object to the 21 21 Will you agree with me that form. 22 ²² right here at least, Buzzeo is reporting THE WITNESS: Says there to 23 to you that your system, in 2005, was not 23 be a review? ²⁴ consistent with your standard operating ²⁴ BY MR. MIGLIORI: Page 151 Page 153 ¹ procedure for review of thresholds? Q. A formal process. 2 MR. McDONALD: Objection. MR. McDONALD: Object to the ³ BY MR. MIGLIORI: form. 4 Q. That's what she is reporting THE WITNESS: I don't know 5 that. It could be -- it could be to you. 6 MR. McDONALD: Object to the saying that there's a requirement 7 to review -form. 8 THE WITNESS: No, I disagree BY MR. MIGLIORI: 9 with that. I think the way I Q. So you don't accept --10 10 interpret that, she is saying Α. Thresholds. 11 11 there is no formal process. She Q. You don't accept her second 12 didn't say there was no process. finding either? 13 She said there's no formal process A. I -- no, I'm saying that I 14 in place to review the threshold ¹⁴ don't categorize it as that there was an 15 data on a periodic basis. inconsistency with the standard operating 16 So there is a process, it 16 procedure. 17 17 just was not formalized. I'm answering the question 18 BY MR. MIGLIORI: regarding whether there is any 19 inconsistency or there was no process in 19 Q. You would agree with me that standard operating procedures are place you said. ²¹ formalized processes, right? 21 Q. Let me do it a little more 22 MR. McDONALD: Object to the differently. Let me make it more plain 23 ²³ for you. form. 24 24 THE WITNESS: Standard Do you agree with the

Page 154 Page 156 ¹ finding in September of 2005 that at

- ² Henry Schein there is no formal process
- ³ in place to review the threshold data on
- ⁴ a periodic basis, nor is there currently
- ⁵ a staff pharmacist available to review
- ⁶ the system thresholds as stated in the
- ⁷ standard operating procedure?
- A. There is no formal process on the staff. I agree with that. No ¹⁰ formal.
- 11 Q. All right. And she ¹² recommended at that time that thresholds be reviewed on a periodic basis to ensure ¹⁴ they remain current and applicable. That
- ¹⁵ was recommended to you in this audit, ¹⁶ correct?
- 17 A. Recommended that thresholds ¹⁸ be reviewed on a periodic basis. That's
- ¹⁹ what she recommended.
- 20 Q. And so during this review, ²¹ Buzzeo discussed with Schein conducting a
- ²² statistical analysis of selected products
- ²³ from Henry Schein product list to
- ²⁴ determine excessive thresholds. They

- A. In 2005, I would agree. I
- ² agree that's what she -- that's what she
- ³ reported. I can't recall if that was the
- ⁴ actual practice -- in 2005 this was? I
- ⁵ think we -- the process had begun, or was
- ⁶ beginning. Okay.
 - Q. So do you disagree with
- Finding Number 3 as well?
- A. I'm sorry?
- 10 Q. Does that mean that you disagree with Finding Number 3 as well?
 - A. I would agree with that.
- ¹³ That's -- I would agree. I would agree with that.
- O. So she recommended that a ¹⁶ formal review be conducted of control
- drug and List I containing products to
- ascertain whether there may be products
- that may be appropriate of all categories
- of practitioners to order and receive new
- products added to the HSI inventory.
- This review should be conducted prior to
- launching the new product for sale.
 - She basically recommended a

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- ¹ raised the concept of now having a
- ² statistical model for suspicious order
- ³ monitoring, correct?
- A. Correct.
- Q. The third finding that they
- ⁶ found in 2005, it was stated that
- ⁷ "approximately 97 percent of Henry
- ⁸ Schein's customer base are office-based
- ⁹ accounts made up of medical doctors,
- ¹⁰ dentists, midlevel practitioners, and
- ¹¹ veterinary practitioners. The HIS
- 12 inventory of available controlled and
- ¹³ List I containing drug products is
- ¹⁴ extensive. Currently there is no formal
- ¹⁵ process in place to assess the
- ¹⁶ appropriateness of the customer's medical
- ¹⁷ practice in relation to the drug product
- ¹⁸ being ordered."
- 19 Do you agree with that
- ²⁰ statement, that at Henry Schein, there ²¹ was no formal process in place to assess
- ²² the appropriateness of the customer's
- ²³ medical practice in relation to the drug
- ²⁴ product being ordered in 2005?

- formalized process of understanding the
- practice to the drug, correct?
 - A. Correct.
- Q. You would agree with me that
- concept is a "know your customer"
- concept, correct?
- A. It's a way of knowing your
- customer. It is a way.
- Q. Okay. Her fourth finding,
- ¹⁰ "Orders that are highlighted as
- suspicious are all investigated. Those
- that are cleared from suspicious status
- are released. Those that are not are
- canceled. At the end of each month, two
- reports are submitted to the appropriate
- ¹⁶ field office of the DEA. The first
- report includes those pended orders that
- were cleared from suspicious status. The
- second report reflects those orders that
- were deemed suspicious and canceled."
- 21 Did you understand that that
- ²² was the practice through 2005 for pended
- and suspicious orders? 24
 - A. Yes.

Page 158 Page 160 Q. Did you understand though in A. Up to 2005. I'm not sure ² that practice, that she recommended that about beyond. ³ suspicious orders be reported immediately Q. Okay. We'll -- I'll take ⁴ and not at the end of the month. By the beyond out for now. Do you agree with me through ⁵ reporting them on a monthly basis at the ⁶ end of the month was inconsistent with 2005, that was the extent of the -- the due diligence for suspicious orders? ⁷ the Controlled Substances Act MR. McDONALD: Object to the requirements. form. Mischaracterizes the MR. McDONALD: Object to the 10 10 document. form. 11 11 THE WITNESS: In 2005, I THE WITNESS: The extent of 12 12 don't recall if that was the due diligence? 13 inconsistent with the act. 13 BY MR. MIGLIORI: 14 ¹⁴ BY MR. MIGLIORI: Q. That was the first step of 15 Q. She finds -- she documents the due diligence process, was to send a ¹⁶ here the requirement, "The registrant letter by first class mail --17 shall inform the field division office of A. Right. ¹⁸ the administration in this area of 18 Q. -- to the customer for ¹⁹ suspicious orders when discovered by the further information. ²⁰ registrant." 20 A. That's -- but that wasn't the extent of it, that was --Her recommendation she 22 ²² writes, "While HSI has been using the O. I changed it. 23 ²³ current reporting process for several A. Okay, okay. ²⁴ years, it is recommended consideration to 24 Q. I changed it. Page 159 Page 161 ¹ be given to filing the suspicious order Do you agree with me --² for those orders not released from MR. McDONALD: Why don't you ³ suspicious status to the DEA ask the question again, Don? 4 immediately." ⁴ BY MR. MIGLIORI: Do you understand that that Q. You agree with me that the ⁶ was the recommendation then, that first step in due diligence with a suspicious order, was to send a letter to ⁷ reporting them at month's end was not ⁸ consistent with the requirements of the the doctor for clarification by first Controlled Substances Act? class mail? 10 10 A. That was her recommendation. MR. McDONALD: Object to the 11 11 Q. Okay. Fifth finding. "When form. Lack of foundation. ¹² an order pends as suspicious, the order 12 THE WITNESS: The first ¹³ and the customer patterns are reviewed. 13 step, I would agree. ¹⁴ If it still remains suspicious, a letter ¹⁴ BY MR. MIGLIORI: 15 is sent to the customer requiring an "When the letter's received ¹⁶ explanation of the order. A pending ¹⁶ and reviewed, if the explanation is found ¹⁷ order will not be released without a reasonable, the order is released and the ¹⁸ return letter from the customer." letter is retained on file. A notation 19 Will you agree with me that is made in the system that this letter ²⁰ the methodology at Schein through has been received. This letter is then ²¹ September of 2005, and beyond, was, when used to clear additional excessive orders ²² an order pended, that a letter was sent ²² for the same customer." ²³ by first class mail to the doctor or the Were you aware that a ²⁴ customer for further information? ²⁴ cleared order based on that letter, would

	Page 162		Page 164
	then be used as a basis, that same		you recall this recommendation? Do you
	letter, to clear additional excessive	1	recall these recommendations?
3	orders for the same customer.	3	A. These recommendations?
4	A. Was I aware of that	4	Q. Yes.
5	practice?	5	A. I recall generally, I
6	Q. Yes.	6	recall these recommendations. Not each
7	A. No, not	7	individual specific one, but generally,
8	Q. She recommends that "a	8	yes, they were recommendations.
9	careful review of existing letters be	9	Q. And do you recall those
10	conducted each time the same customer	10	findings of inconsistency with standard
11	exceeds the threshold, even if the same	11	operating procedures and DEA
12	product or product type is ordered.	12	requirements?
13	"If the letter will be	13	MR. McDONALD: Object to the
14	relied upon to clear each future	14	form.
15	excessive order by the customer, a	15	THE WITNESS: I wouldn't
16	careful review should be made to ensure	16	classify it as inconsistent. I
17	that the explanation remains viable."	17	would say that they were not
18	Do you agree that at this	18	perhaps fully automated to the
19	point Buzzeo was recommending more	19	extent that they could easily
20	follow-up on subsequent or repeat	20	demonstrate compliance with the
21	suspensions or pended orders, based on	21	DEA regulations.
22	=	22	(Document marked for
23	MR. McDONALD: Object to the	23	identification as Exhibit
24	form.	24	Schein-DiBello-13.)
	Dags 162		D 165
	Page Ini		Page Inc
1	Page 163 THE WITNESS: I think my	1	Page 165 BY MR MIGLIORI:
1 2	THE WITNESS: I think my	1 2	BY MR. MIGLIORI:
	THE WITNESS: I think my interpretation, is the customer,	2	BY MR. MIGLIORI: Q. This is Exhibit 13. We
2	THE WITNESS: I think my interpretation, is the customer, if the letter will be relied upon	3	BY MR. MIGLIORI: Q. This is Exhibit 13. We talked about a 2007 letter from
2 3	THE WITNESS: I think my interpretation, is the customer, if the letter will be relied upon to clear each future excessive	2 3 4	BY MR. MIGLIORI: Q. This is Exhibit 13. We talked about a 2007 letter from Rannazzisi. I just want to ask you
2 3 4	THE WITNESS: I think my interpretation, is the customer, if the letter will be relied upon to clear each future excessive order by the customer, a careful	2 3 4 5	BY MR. MIGLIORI: Q. This is Exhibit 13. We talked about a 2007 letter from Rannazzisi. I just want to ask you quickly. This is a 2000 September 27,
2 3 4 5	THE WITNESS: I think my interpretation, is the customer, if the letter will be relied upon to clear each future excessive order by the customer, a careful review should be made.	2 3 4 5	BY MR. MIGLIORI: Q. This is Exhibit 13. We talked about a 2007 letter from Rannazzisi. I just want to ask you quickly. This is a 2000 September 27, 2006, letter that Henry Schein produced
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	THE WITNESS: I think my interpretation, is the customer, if the letter will be relied upon to clear each future excessive order by the customer, a careful review should be made. That's BY MR. MIGLIORI: Q. And to not just rely on the same letter again, correct? A. Further review should be made, right. Q. Okay. Do you recall these recommendations in 2005 from Buzzeo? A. I don't recall these specific recommendations. There were there were there were numerous meetings and reviews of the system from this point in 2005 going forward. So there were it was not a it was not a it was a very dynamic process, where	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	BY MR. MIGLIORI: Q. This is Exhibit 13. We talked about a 2007 letter from Rannazzisi. I just want to ask you quickly. This is a 2000 September 27, 2006, letter that Henry Schein produced to us in its files from Joe Rannazzisi the deputy assistant administrator, office of diversion control. Would you have received this letter if it came to Henry Schein in your role as director of regulatory affairs? A. I probably would have it would have gotten to me. Q. And you'll see that the purpose of this letter is to reiterate the responsibilities of controlled substance distributors in view of the prescription drug abuse problem our nation currently faces? A. Yes. I see that.

	Page 166		Page 168
	obligations of distributors?	1	A. That's an indication of,
2	MR. McDONALD: Object to the	2	okay.
3	form.	3	Q. These would be concepts or
4	THE WITNESS: I wouldn't	4	clarifications or examples of things that
5	agree with that. I would say that	5	distributors should be looking for to
6	this is the DEA's attempt at	6	know their customer, correct?
7	clarifying the responsibilities of	7	A. Correct.
8	distributors and clearly defining	8	Q. Some of the other things a
9	or outlining their guidelines.	9	distributor should seek to look at to see
10	BY MR. MIGLIORI:	10	if an order is suspicious is what
11	Q. So you agree they use the	11	percentage of the pharmacy's business
12	word "reiterate," correct?	12	does dispensing controlled substances
13	A. They use the word	13	constitute. That's how much control to
14	"reiterate."	14	noncontrolled substances. That's one of
15	Q. And you would add	15	the things a distributor should look at
16	•	16	in its obligation to know its customer,
17	A. My interpretation, in 2006,	17	
18	reading this now, you know, dated 2006, I	18	A. Correct.
19	don't recall the DEA previously	19	Q. Is the pharmacy complying
20	explaining the responsibilities in any	20	
21	communication.	21	another "know your customer" inquiry,
22	Q. Okay. Well, whether you	22	correct?
23	recall a previous you see that they	23	A. Correct.
	use reiterate. That's just on the face	24	Q. And when the word "pharmacy"
	ŭ	1	
	D 167		D 160
1	Page 167	1	Page 169
	of the letter, correct?	1	appears here, in your practice; that is,
2	of the letter, correct? A. Correct.	2	appears here, in your practice; that is, in the Henry Schein model, that would
	of the letter, correct? A. Correct. Q. And you've added the word	3	appears here, in your practice; that is, in the Henry Schein model, that would also apply to doctors, correct,
3 4	of the letter, correct? A. Correct. Q. And you've added the word "clarifying." So you would you would	3 4	appears here, in your practice; that is, in the Henry Schein model, that would also apply to doctors, correct, individual customers, not just
2 3 4 5	of the letter, correct? A. Correct. Q. And you've added the word "clarifying." So you would you would add the word "clarify" to this, in your	2 3 4 5	appears here, in your practice; that is, in the Henry Schein model, that would also apply to doctors, correct, individual customers, not just pharmacies?
2 3 4 5 6	of the letter, correct? A. Correct. Q. And you've added the word "clarifying." So you would you would add the word "clarify" to this, in your interpretation?	2 3 4 5 6	appears here, in your practice; that is, in the Henry Schein model, that would also apply to doctors, correct, individual customers, not just pharmacies? MR. McDONALD: Object to the
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Highly Confidential - Subject t	
Page 170	Page 172
¹ controlled substances? Is that an	¹ country faced a drug abuse problem?
² important factor to Henry Schein?	² MR. McDONALD: Object to the
³ A. Yes. Doctor would be	³ form.
⁴ Q. I'm sorry.	⁴ THE WITNESS: In 2007, I
⁵ A. The doctor compliance. But	5 don't recall the status of the
⁶ we would verify a doctor's license. A	6 drug abuse problem. But that's
⁷ doctor's practice is different than a	⁷ that's what the DEA stated, that's
8 pharmacy's operation and their	⁸ what they are stating in the
⁹ compliance. That's my only point.	⁹ letter. But I can't attest to,
Q. It doesn't refer to specific	you know, a drug abuse problem in
¹¹ laws. It just says complying with the	¹¹ 2007. I don't recall.
laws of the state. You would expect your	¹² BY MR. MIGLIORI:
doctors to be in compliance with the laws	Q. It says here, back on it,
14 of his or her state?	¹⁴ "As each of you," talking to each of the
¹⁵ A. Absolutely.	¹⁵ distributors, "is undoubtedly aware, the
Q. So these are concepts of	¹⁶ abuse, nonmedical use of controlled
know your customer that were shared with	¹⁷ prescription drugs, is a serious and
18 you that you would have received in 2006	¹⁸ growing health problem in this country."
¹⁹ from the DEA, correct?	Was Henry Schein or were you
A. Correct.	²⁰ not aware of that?
Q. February of 2007. The DEA	MR. McDONALD: Object to the
shared with you, with Henry Schein,	form. He's not here on behalf of
²³ another letter.	Henry Schein. He can talk about
24 (Document marked for	what he knows.
Page 171	Page 173
Page 171 identification as Exhibit	Page 173 MR. MIGLIORI: That's fine.
	_
identification as Exhibit	¹ MR. MIGLIORI: That's fine.
 identification as Exhibit Schein-DiBello-14.) 	 MR. MIGLIORI: That's fine. BY MR. MIGLIORI:
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Page 174 Page 176 1 A. Yes. ¹ BY MR. MIGLIORI: Q. In December of that year, Q. Exhibit 16. This is a ³ document produced by Henry Schein to us ³ this is the letter that I think you ⁴ actually referred to in your PowerPoint ⁴ called Suspicious Monitoring System ⁵ slide. ⁵ Specifications Draft. It again recites the This is a little cleaner obligations under the Controlled ⁷ copy, that we received again from Henry ⁸ Schein. It says December 27, 2007. Substances Act. It describes when to Again signed by Joseph Rannazzisi. investigate. It says, "The regulation 10 also require the registrant to inform the (Document marked for 11 ¹¹ local DEA division of suspicious orders identification as Exhibit 12 ¹² when discovered by the registrant. And Schein-DiBello-15.) 13 BY MR. MIGLIORI: 13 registrants must conduct an independent 14 Q. It's talking about the analysis of suspicious orders prior to completing a sale to determine whether purpose of the letter is to reiterate ¹⁶ responsibilities of controlled substance the controlled substances are likely to ¹⁷ manufacturers and distributors, to inform be diverted from legitimate channels." ¹⁸ DEA of suspicious orders in accordance Is that something that you ¹⁹ with the Controlled Substances Act. appreciated -- this document, by the way, 20 is -- is January 16, 2008. Is this And it talks about the ²¹ obligation to report suspicious orders something that you would have appreciated ²² when discovered by the registrant. Do in January of 2008? 23 ²³ you see this is a direct reference to the MR. McDONALD: Can I --24 ²⁴ timing of reporting suspicious orders? where are you getting that from? Page 177 Page 175 A. Yes. 1 MR. MIGLIORI: Metadata. Q. And you'll agree with me THE WITNESS: I would ³ that it also goes on to say that "the appreciate that, yeah. ⁴ regulation specifically states that BY MR. MIGLIORI: ⁵ suspicious orders include orders of Q. Okay. And that in your own ⁶ unusual size, orders deviating document, you recite the DEA definition ⁷ substantially from a normal pattern, and of suspicious orders as being unusual ⁸ orders of unusual frequency. These ⁸ size, orders deviating substantially from ⁹ criteria are disjunctive and they are not a normal pattern, and orders of unusual ¹⁰ all-inclusive." ¹⁰ frequency. And that these criteria are 11 ¹¹ disjunctive and are not inclusive. You'll see that each of 12 those independently is a suspicious order You would agree with me that ¹³ when detected, according to the DEA in at this point, Schein appreciates that ¹⁴ there is a disjunctive relationship ¹⁴ December of 2007. 15 between those three different measures of A. I see that. 16 Q. And you would have received 16 suspicious order? 17 this kind of information as director of MR. McDONALD: Object to the 18 regulatory affairs at Henry Schein in form. 19 19 December of 2007? You say your own document. 20 A. It would have been forwarded 20 Are you representing that this is 21 to me. Should have been. his document? 22 22 (Document marked for MR. MIGLIORI: Yeah. 23 23 MR. McDONALD: It came from identification as Exhibit 24 24 Schein-DiBello-16.) his --

Page 178 Page 180 1 THE WITNESS: No. ¹ products' active ingredients? 2 A. Well, we can debate whether MR. MIGLIORI: We'll go 3 ³ it's new or enhanced. My point is that through it, I'll show you. I'll ask the question differently until ⁴ it was a monitoring system already in 5 we get to that part. place. Whether these changes or enhancements qualified as a new BY MR. MIGLIORI: O. Would you agree with me that monitoring system, that's, you know --⁸ it was appreciated at Henry Schein that O. So I don't mean to use the deviations in size, frequency and word quibble. We're debating whether the ¹⁰ pattern, were disjunctive, that is, a word should be new monitoring or the ¹¹ suspicious order is triggered by any one enhanced monitoring system. ¹² of those three things? But you don't deny that the 13 A. In 2008? 13 system that's now being referenced in your timeline, in Exhibit 5, and in this 14 Q. In January of 2008. 15 memorandum is a system that is monitoring A. Yes. 16 on new criteria, different criteria? Q. In discussing the new 17 monitoring system to be employed, it MR. McDONALD: Object to the says, "The new monitoring system will 18 form. Mischaracterizes his 19 review orders based on customer market 19 testimony. ²⁰ segment, specialty, purchasing patterns, 20 THE WITNESS: I don't -- I 21 ²¹ and product active ingredient." don't agree that this is -- you 22 Do you recall that in part know, I don't agree that this is 23 ²³ of the new SOM project, was to change the new criteria. I agree that the 24 ²⁴ monitoring system, and to actually have system is being automated to --Page 179 Page 181 ¹ it based on those four different 1 to -- to be able to readily review 2 ² criterion? the orders for each of these A. I wouldn't agree that it's a 3 criteria. 4 ⁴ new monitoring system. I think the Whereas, again, the system ⁵ system was already in place at the time. 5 was already in existence many ⁶ I would say that the -- I don't know who 6 years prior to 2008. It may not ⁷ wrote this document. It's not my have been computer -- automated, ⁸ document. I don't recall seeing this 8 but it's still -- it was able to ⁹ document. But I don't necessarily agree 9 review and identify suspicious 10 ¹⁰ with that new monitoring. orders. Q. We'll go back to Exhibit 11 BY MR. MIGLIORI: ¹² Number 5. Your document sets as Q. Well, we just went ¹³ September of 2007 the SOM project ¹³ through -- I don't want to go through ¹⁴ starting. Do you remember that? them again. But we just went through 15 A. Okay. Right. 2000. Buzzeo's findings in 2005, and it wasn't 16 Q. January of 2008. This is picking up that it needed -- there needed referring to the new monitoring system to be a new review of how to check orders 18 will... for patterns and frequency, not just 19 Does that refresh your size. Do you recall that? 20 ²⁰ recollection that the SOM project that A. Yes. 21 started at the end of 2007 would include 21 Q. And one of the things this ²² in it a new monitoring system, reviewing new monitoring system will review is, among other things, purchasing patterns. ²³ orders based on customer market segment, ²⁴ specialty, purchasing patterns, and ²⁴ That is a new way of looking at the

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Page 182	
ordering the orders coming into	¹ 2008, correct? ² A Veah and there were steps
² Schein, according to this document. ³ A From a systematic approach	71. I can, and there were steps
71. I form a systematic approach.	³ and phases along the way. ⁴ O You point them all out
Q. From a systematic approach.	Q. Tou point them an out.
5 And from any approach. That there was,	5 A. Right.
6 according to Buzzeo in 2005, no	6 Q. You have the DEA letter we
⁷ independent review of just pattern in the	⁷ just talked about. There is a finished
8 system prior to this change. 9 A In the computer system?	8 product normalization that was put
7. In the computer system:	⁹ together. 10 Δ Right
Q. Right.	A. Right.
A. In the computer system.	Q. There was a Gantt chart that
Q. In the computer system:	was completed.
A. In the computer system.	A. Right. Statistical
Q. The system was not picking	Q. The suspicious order
up changes in pattern or frequency in the	monitoring statistical approach specs
16 computer system.	were finalized and submitted.
A. I would agree with that.	The the questionnaire
Q. And this new system was	that we were just talking about, to know
¹⁹ going to do that.	19 your customer, that was implemented for
A. In the computer system.	due diligence purposes in June of 2009,
Q. In the computer system.	²¹ right?
And that computer system	A. Customer questionnaire,
23 didn't get implemented in final process	²³ okay. Right.
²⁴ until October of 2009, according to your	Q. This letter we've been
Page 183	Page 185
Page 183 1 chart, correct?	¹ talking about, that was implemented in
	 talking about, that was implemented in June of 2009, the suspicious order
 chart, correct? A. Well, there was implementations prior to there were 	 talking about, that was implemented in June of 2009, the suspicious order monitoring standard operating procedures
 chart, correct? A. Well, there was implementations prior to there were steps prior to that. 	 talking about, that was implemented in June of 2009, the suspicious order monitoring standard operating procedures were revised and finalized in July of
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chart, correct? A. Well, there was implementations prior to there were steps prior to that. Q. There were steps. And then in October of 2009 there was a system testing and training completed. So whatever steps there may have been, the training was completed in 2009, in October, correct? MR. McDONALD: Object to the form. THE WITNESS: There was training conducted in 2009, right. BY MR. MIGLIORI: Q. And A. October. Q then the system completion, the implementation process in that box that you prepared, happened in October of 2009. It was implemented in	 talking about, that was implemented in June of 2009, the suspicious order monitoring standard operating procedures were revised and finalized in July of 2009, correct? A. Correct. Q. And the whole system was implemented with training completed in the verifications team and the regulatory affairs in October of 2009, correct, according to your chart? A. The complete system. Q. Right. A. Altogether. Q. Right. As director of regulatory affairs, you would have received you'll agree with me that this Cegedim Dendrite company was formerly Buzzeo, correct? A. Yes. Q. And as director of regulatory affairs in January of 2008,

		_	
	Page 186		Page 188
	correct?	1	THE WITNESS: I don't think
2	MR. McDONALD: For the	2	he said they were insufficient.
3	record, you're talking about	3	He said they
4	Exhibit 19? 17.	4	BY MR. MIGLIORI:
5	MR. MIGLIORI: 17.	5	Q. Needed to expand upon them?
6	(Document marked for	6	A. To expand. Expand.
7	identification as Exhibit	7	Q. All right. Expand means to
8	Schein-DiBello-17.)	8	mercuse.
9	MR. MIGLIORI: Appreciate	9	A. Yes.
10	it.	10	Q. They need more?
11	BY MR. MIGLIORI:	11	A. Expand.
12	Q. You would have received	12	Q. All right. We can parse.
13	this?	13	"Schein should transition to
14	A. I may have received it, I	14	the new system where only suspicious
15	was not involved in all of the meetings.	15	orders will be reported to the DEA."
16	This could have been a meeting overview	16	So you just report
17	of a particular	17	suspicious orders going forward, right?
18	Q. I'll save you I'll save	18	A. Only suspicious orders will
19	you some time. Turn to the last page.	19	be reported. Okay. I see that.
20	You're the first person listed as an	20	Q. That, "The precise language
21	attendee.	21	of the regulations which requires
22	A. Okay. I was an attendee.	22	registrants to track orders of unusual
23	Q. Attendee of the opening	23	size, orders deviates substantially from
24	session?	24	a normal pattern, and orders of unusual
	Page 187		Daga 100
			Page 189
1	-	1	Page 189 frequency. These specific requirements
1 2	A. Of the opening session.		frequency. These specific requirements
١.	A. Of the opening session. Okay, I agree with that.	2	frequency. These specific requirements move from comparing customer purchases to
2 3	A. Of the opening session. Okay, I agree with that. Q. "Morning session was opened	3	frequency. These specific requirements move from comparing customer purchases to reviewing individual purchasing patterns.
2 3 4	A. Of the opening session. Okay, I agree with that. Q. "Morning session was opened up with general comments about the DEA's	3 4	frequency. These specific requirements move from comparing customer purchases to reviewing individual purchasing patterns. Schein will be required to expand its
2 3 4	A. Of the opening session. Okay, I agree with that. Q. "Morning session was opened up with general comments about the DEA's changing interpretation of its own	3 4	frequency. These specific requirements move from comparing customer purchases to reviewing individual purchasing patterns. Schein will be required to expand its technology to address the fundamental
2 3 4 5	A. Of the opening session. Okay, I agree with that. Q. "Morning session was opened up with general comments about the DEA's changing interpretation of its own regulations and an emphasis on reporting	2 3 4 5	frequency. These specific requirements move from comparing customer purchases to reviewing individual purchasing patterns. Schein will be required to expand its technology to address the fundamental regulatory requirements."
2 3 4 5 6	A. Of the opening session. Okay, I agree with that. Q. "Morning session was opened up with general comments about the DEA's changing interpretation of its own regulations and an emphasis on reporting suspicious orders to now include a	2 3 4 5 6	frequency. These specific requirements move from comparing customer purchases to reviewing individual purchasing patterns. Schein will be required to expand its technology to address the fundamental regulatory requirements." As of January of 2008, if
2 3 4 5 6 7	A. Of the opening session. Okay, I agree with that. Q. "Morning session was opened up with general comments about the DEA's changing interpretation of its own regulations and an emphasis on reporting suspicious orders to now include a responsibility for registrants to assure	2 3 4 5 6 7	frequency. These specific requirements move from comparing customer purchases to reviewing individual purchasing patterns. Schein will be required to expand its technology to address the fundamental regulatory requirements." As of January of 2008, if the system wasn't picking up frequency
2 3 4 5 6 7 8	A. Of the opening session. Okay, I agree with that. Q. "Morning session was opened up with general comments about the DEA's changing interpretation of its own regulations and an emphasis on reporting suspicious orders to now include a responsibility for registrants to assure that controlled substances are not being	2 3 4 5 6 7 8	frequency. These specific requirements move from comparing customer purchases to reviewing individual purchasing patterns. Schein will be required to expand its technology to address the fundamental regulatory requirements." As of January of 2008, if the system wasn't picking up frequency and deviations in patterns, that the
2 3 4 5 6 7 8	A. Of the opening session. Okay, I agree with that. Q. "Morning session was opened up with general comments about the DEA's changing interpretation of its own regulations and an emphasis on reporting suspicious orders to now include a responsibility for registrants to assure that controlled substances are not being used illegally by customers."	2 3 4 5 6 7 8	frequency. These specific requirements move from comparing customer purchases to reviewing individual purchasing patterns. Schein will be required to expand its technology to address the fundamental regulatory requirements." As of January of 2008, if the system wasn't picking up frequency and deviations in patterns, that the system would have to be expanded to do
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2 3 4 5 6 7 8 9 10	A. Of the opening session. Okay, I agree with that. Q. "Morning session was opened up with general comments about the DEA's changing interpretation of its own regulations and an emphasis on reporting suspicious orders to now include a responsibility for registrants to assure that controlled substances are not being used illegally by customers." And it says that, "The DEA's communication of December 27th" that	2 3 4 5 6 7 8 9 10	frequency. These specific requirements move from comparing customer purchases to reviewing individual purchasing patterns. Schein will be required to expand its technology to address the fundamental regulatory requirements." As of January of 2008, if the system wasn't picking up frequency and deviations in patterns, that the system would have to be expanded to do
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	ignly Confidential - Subject to	_	
	Page 190		Page 192
1	from normal patterns or unusual	1	of Henry Schein's revised suspicious
2	frequencies.		order monitoring system, all new accounts
3	Q. It says, "Questionable	3	which handle controlled substances will
4	orders are filled and the customer is	4	be the subject of a due diligence
5	furnished with a letter requesting an	5	inquiry."
6	explanation."	6	Do you recall in January of
7	So back in January of 2008,	7	2008 implementing a due diligence inquiry
8	questionable orders were filled. Do you	8	for all new customers?
9	recall that being the practice?	9	A. I don't recall.
10	A. No.	10	Q. The new process includes,
11	Q. "And the customer is	11	"During the diligence inquiry, the new
12	furnished with a letter requesting an	1	account holder will be interviewed by a
13	explanation."		Schein staff over the telephone to
14	Do you recall that through		determine whether the new account appears
15	2008, that was what that was what	15	qualified to handle the controlled
	Buzzeo was or then Cegedim was	16	substances."
17	telling you was Schein's practice?	17	Do you recall that
18	A. I don't recall this	18	recommendation from Cegedim Dendrite
19	document. And I don't know how they	19	MR. McDONALD: Objection.
20	define questionable orders. I don't know	20	BY MR. MIGLIORI:
	what that means, a questionable order.	21	Q in January of 2008?
22	<u>-</u>	22	
	Q. Do you see that Cegedim's	23	MR. McDONALD: Object to the form. Lack of foundation.
	recommendation to Henry Schein in January	24	
2 1	of 2008 was, "An immediate adjustment	2 1	THE WITNESS: Where were you
	Page 191		Page 193
1	will be made in Schein's procedures to	1	reading that? Can you point that
2	will be made in Schein's procedures to stop or pend the orders, then investigate	1 2	reading that? Can you point that out?
2	will be made in Schein's procedures to		reading that? Can you point that out?
2	will be made in Schein's procedures to stop or pend the orders, then investigate to clear prior to shipment"? Do you see that?	2	reading that? Can you point that out? BY MR. MIGLIORI: Q. The second sentence.
3	will be made in Schein's procedures to stop or pend the orders, then investigate to clear prior to shipment"?	2	reading that? Can you point that out? BY MR. MIGLIORI:
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	to Further Confidentiality Review
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¹ information to be acquired may include	¹ to be qualified to handle the controlled
² obvious information like licenses and	² substances."
³ registrations, personal information such	Do you see that?
⁴ as dates of birth and social security	4 MR. McDONALD: Are you
⁵ numbers, and what controlled substances	simply just asking him if that's
⁶ the customer anticipates ordering and	in the document?
⁷ quantities? Do you recall that	7 MR. MIGLIORI: Well, right
8 recommendation from Cegedim?	8 now I am, because he just asked
9 MR. McDONALD: Object to the	⁹ why would it be over the phone.
form. Lack of foundation.	So I had to repeat it to him.
THE WITNESS: I don't agree	MR. McDONALD: Well, you
with that. Licenses and	also haven't established that
registrations were always part of	regulatory had anything to do with
the system, were always required.	this due diligence inquiry.
That's that's a no brainer.	¹⁵ MR. MIGLIORI: I established
¹⁶ BY MR. MIGLIORI:	that regulatory was the one that
Q. I think they refer to that	facilitated the relationship with
¹⁸ as obvious information.	this company.
A. Information to be acquired	¹⁹ BY MR. MIGLIORI:
²⁰ during the interview may	Q. Do you recall this process
²¹ Q. May.	²¹ being recommended in January of 2008 as
A include.	²² part of the onboarding of new clients,
Q. May include.	²³ that Schein picked up the phone and
24 A Right	24 ' 4 ' 11 1' 4 1 1 C
A. Right.	²⁴ interview all new clients and ask for
Page 19.	
Page 19.	5 Page 19
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Page 19. Q. Then they say obvious information, license and registration.	Page 19 things, including obvious things, like licenses and registration, but more
Page 19. Q. Then they say obvious information, license and registration. And then they ask for more specific	Page 19 1 things, including obvious things, like 2 licenses and registration, but more 3 detailed information, like birth dates,
Page 19. 1 Q. Then they say obvious 2 information, license and registration. 3 And then they ask for more specific 4 information. Do you recall that?	Page 19 1 things, including obvious things, like 2 licenses and registration, but more 3 detailed information, like birth dates, 4 social security numbers, and how they
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	Page 198	Page 200
1	A. So	¹ A. That's that's not
2	Q. What about the rest of it?	² obvious. I would I would agree with
3	This is a new customer you're talking	³ that, that's not obvious.
4	about, during an interviewing. You're	Q. And is that something that
5	saying that you already have the hard	⁵ you did?
6	copies before you	6 MR. McDONALD: Object to the
7	A. The verification	7 form.
8	Q took on new customers?	8 BY MR. MIGLIORI:
9	A. The verification group, to	⁹ Q. In January of 2008. Is that
10	set up an account, step one was DEA	something that you agreed to take on at
11	license, DEA registration, State Board of	the recommendation of the company that
	Pharmacy license. That was standard	¹² you paid to consult on this issue?
	operating procedure.	MR. McDONALD: Object to the
14	Q. Okay.	form. Lack of foundation.
15	A. Customer account	THE WITNESS: I I don't
16	information, Dr. John Smith.	recall what they what they did
17	,	in 2008.
18	Q. Did they do it by phone?	
19	A. Did they do it by phone?	18 BY MR. MIGLIORI:
20	Q. Right.	Q. Tittel the interview, they
	A. That was a verification	recommend that the customer be provided
21	function. I don't know how they did it.	with a document with information
	But they in order to set up an	²² pertaining to controlled substances which
23	account, they had suste information that	²³ addresses basic legal issues such as
24	they required from the customer. And	²⁴ legitimate medical use.
	Page 199	P 201
	r age 199	Page 201
1	that basic information is the customer	Did Henry Schein ever take
	_	
2	that basic information is the customer	Did Henry Schein ever take
3	that basic information is the customer account, which are also publicly available on the board of boards of	Did Henry Schein ever take that recommendation and implement it for new customers?
2 3 4	that basic information is the customer account, which are also publicly available on the board of boards of pharmacy's websites as well as DEA. Why	Did Henry Schein ever take that recommendation and implement it for new customers? MR. McDONALD: Object to the
2 3 4	that basic information is the customer account, which are also publicly available on the board of boards of pharmacy's websites as well as DEA. Why would we that makes no sense.	Did Henry Schein ever take that recommendation and implement it for new customers? MR. McDONALD: Object to the form. Lack of foundation.
2 3 4 5	that basic information is the customer account, which are also publicly available on the board of boards of pharmacy's websites as well as DEA. Why would we that makes no sense. Q. So your consultant makes no	Did Henry Schein ever take that recommendation and implement it for new customers? MR. McDONALD: Object to the form. Lack of foundation. THE WITNESS: That was their
2 3 4 5 6	that basic information is the customer account, which are also publicly available on the board of boards of pharmacy's websites as well as DEA. Why would we that makes no sense. Q. So your consultant makes no sense here?	Did Henry Schein ever take that recommendation and implement it for new customers? MR. McDONALD: Object to the form. Lack of foundation. THE WITNESS: That was their recommendation and that would have
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	Page 202		Page 204
1	Q. Do you know if a signed	1	felons or I'm not sure how they would
	document from the client acknowledging		even be able to maintain their their
- 1	receipt of that information was required?		basic medical license.
4	MR. McDONALD: Object to the	4	Q. Do you remember in the DEA
5	form. Lack of foundation.		letter from Joe Rannazzisi, where the DEA
6	THE WITNESS: I don't	6	tells you that the mere maintenance of a
7	recall.		DEA registration is not due diligence?
8	BY MR. MIGLIORI:	8	Do you remember hearing that
9	Q. What about this, "A	9	from Joe Rannazzisi or reading that? Do
		10	
	background investigation should be conducted to determine whether there are	11	you recall that?
		12	A. I'm sorry?
	convictions or regulatory actions in the	13	Q. Do you recall that?
	clients' past that may affect their	14	A. Do I recall reading that?O. Yeah.
15	suitability for ordering controlled substances."	15	
16		16	
	Cegedim recommended that in		Q. Okay. Would you agree with
	January of 2008. Do you know if your	17 18	me that as the director of regulatory
	company or if regulatory or verifications	19	affairs for Henry Schein, that it would
	ever implemented a "know your customer"		be insufficient if asked by the
	inquiry about prior convictions that may	20	verifications team to just go and look to
	affect the suitability for ordering		see if a doctor had a valid DEA
23	controlled substances of a new client?		registration for purposes of performing
	A. Convictions, I don't recall		due diligence under the Controlled Substances Act?
21	that. I don't recall.		Substances Act?
	Page 203		Page 205
1	Q. Is that a good	1	Page 205 MR. McDONALD: Object to the
	_	1 2	MR. McDONALD: Object to the form.
	Q. Is that a good		MR. McDONALD: Object to the
2	Q. Is that a good recommendation?	2	MR. McDONALD: Object to the form.
2 3	Q. Is that a good recommendation? MR. McDONALD: Object to the	2	MR. McDONALD: Object to the form. THE WITNESS: The DEA the verifications group were looking at doctors' licenses, including
2 3 4 5 6	Q. Is that a good recommendation? MR. McDONALD: Object to the form. THE WITNESS: Do I think it's a good recommendation?	2 3 4	MR. McDONALD: Object to the form. THE WITNESS: The DEA the verifications group were looking
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. Is that a good recommendation? MR. McDONALD: Object to the form. THE WITNESS: Do I think it's a good recommendation? BY MR. MIGLIORI: Q. Yeah. Do you think that's a good "know your customer" practice, as director of regulatory affairs for Henry Schein, to do a criminal background check to see if that may impact whether or not a new doctor would be an appropriate customer for controlled substances? A. I would have to I would have to evaluate that in light of the industry practice and at that time what what would be acceptable and not. And I'm not even sure that I'm not even sure how we would be able to access a doctor's criminal convictions. I don't	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR. McDONALD: Object to the form. THE WITNESS: The DEA the verifications group were looking at doctors' licenses, including the DEA registration, so they wouldn't they would not just look at the DEA registration. They would look at their other licenses. Their board of pharmacy license, their Department of Health depending on the state that they were in. BY MR. MIGLIORI: Q. My question is a little more simple. Would you agree with me that it is insufficient to rely merely on the fact that a doctor has a DEA registration as adequate due diligence when

	Page 206		Page 208
1	THE WITNESS: I would agree.		the message, the letter, yeah. But I
	BY MR. MIGLIORI:		just want to clarify something.
3	Q. Would you agree with me that	3	In the context of suspicious
4	in his February 7, 2007, letter to you	4	orders, that's a different process as
5	that you received, Joe Rannazzisi	5	opposed to decodiff setap. That's the
6	expressly said to you, that is to Henry	6	distinction. So when we are talking
7	Schein	7	about suspicious orders, there is a
8	MR. McDONALD: Why don't you	8	there's a review that obviously if the
9	hang on and let him find the	9	order was suspicious, we're going to
10	letter so he can read along with	10	examine it carefully.
11	you?	11	Q. Which is called due
12	MR. MIGLIORI: Or you can	12	diligence, correct?
13	look on the screen, either way.	13	A. Well, it's it's a review
14	MR. McDONALD: Well,	14	of the order, that particular order,
15	that's I'll tell you it's	15	which would include the doctors' status.
16	difficult to see.	16	Q. The review of the doctors'
17	Do you know which exhibit it	17	status, by Helli y Belletii s own words, is
18	is?	18	due diligence, correct?
19	MR. MIGLIORI: I'm guessing	19	A. You can you can well,
20	it's somewhere around 15 or 17.	20	due diligence could also mean when
21	MR. McDONALD: Which one	21	when an account is set up.
22	which one?	22	Q. Exactly.
23	MR. MIGLIORI: The	23	A. And we conduct we conduct
24	February 2 letter?	24	an assessment, you know, of the of the
	Page 207		Page 209
1	MR. McDONALD: February 7	1	doctor's account, an onsite visit, a
2	letter?		questionnaire.
3	MR. MIGLIORI: Yes.	3	So due diligence, at what
4	February. Only one in February.		bo due differee, at what
1 -	reducing. Only one in reducing.	4	<u> </u>
5	MR. McDONALD: 14.		point in the process are you referring to? There's different levels of due
	· · ·		point in the process are you referring
5	MR. McDONALD: 14.	5	point in the process are you referring to? There's different levels of due
5	MR. McDONALD: 14. MR. MIGLIORI: 14.	5 6	point in the process are you referring to? There's different levels of due diligence.
5 6 7	MR. McDONALD: 14. MR. MIGLIORI: 14. MR. McDONALD: Exhibit 14,	5 6 7	point in the process are you referring to? There's different levels of due diligence. Q. I completely agree. A. Okay.
5 6 7 8	MR. McDONALD: 14. MR. MIGLIORI: 14. MR. McDONALD: Exhibit 14, you have it.	5 6 7 8	point in the process are you referring to? There's different levels of due diligence. Q. I completely agree. A. Okay.
5 6 7 8	MR. McDONALD: 14. MR. MIGLIORI: 14. MR. McDONALD: Exhibit 14, you have it. THE WITNESS: Okay. February 7th. Okay. Page 2?	5 6 7 8 9	point in the process are you referring to? There's different levels of due diligence. Q. I completely agree. A. Okay. Q. But my question was way more
5 6 7 8 9	MR. McDONALD: 14. MR. MIGLIORI: 14. MR. McDONALD: Exhibit 14, you have it. THE WITNESS: Okay. February 7th. Okay. Page 2?	5 6 7 8 9	point in the process are you referring to? There's different levels of due diligence. Q. I completely agree. A. Okay. Q. But my question was way more fundamental.
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5 6 7 8 9 10 11 12 13 14	MR. McDONALD: 14. MR. MIGLIORI: 14. MR. McDONALD: Exhibit 14, you have it. THE WITNESS: Okay. February 7th. Okay. Page 2? BY MR. MIGLIORI: Q. Yes. Second to the last paragraph. "In a similar vein, given the requirement under Section 823(E) that	5 6 7 8 9 10 11 12 13	point in the process are you referring to? There's different levels of due diligence. Q. I completely agree. A. Okay. Q. But my question was way more fundamental. A. Okay. Q. Henry Schein, when it investigates whether an order is suspicious, conducts what is called due
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5 6 7 8 9 10 11 12 13 14 15 16	MR. McDONALD: 14. MR. MIGLIORI: 14. MR. McDONALD: Exhibit 14, you have it. THE WITNESS: Okay. February 7th. Okay. Page 2? BY MR. MIGLIORI: Q. Yes. Second to the last paragraph. "In a similar vein, given the requirement under Section 823(E) that a distributor maintain effective controls against diversion, a distributor may not	5 6 7 8 9 10 11 12 13 14 15 16	point in the process are you referring to? There's different levels of due diligence. Q. I completely agree. A. Okay. Q. But my question was way more fundamental. A. Okay. Q. Henry Schein, when it investigates whether an order is suspicious, conducts what is called due diligence and the files that they maintain are called due diligence files, correct?
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	Dana 210	Т	Dana 212
	Page 210		Page 212
	perspective, would include an onsite		background investigation should be
2	assessment.	1	conducted to determine whether there are
3	Q. It doesn't have to include	1	convictions or regulatory actions in the
	an onsite assessment, does it?	4	client's past that may affect their
5	A. It doesn't have to, but	5	suitability for ordering controlled
6	it	6	substances."
7	Q. In fact, 90 percent no, I	7	Do you see that, first of
8	shouldn't I can't give you a	8	all?
9	percentage.	9	A. I see that.
10	Of the due diligence files	10	Q. Do you know if Henry Schein
11	that were produced to us in this case,	11	ever implemented that process for new
12	the vast majority of them had no site	12	customers in the new customer due
13	visit?	13	diligence inquiry?
14	A. At what point in time are	14	A. I don't know.
15	you referring to?	15	Q. Would you agree with me that
16	Q. Whatever was given to me,	16	a doctor who had prior convictions for
17	from 2009 through 2016, I think is what I	17	drug trafficking who wants to become a
	got.		new customer of Henry Schein would have
19	A. Okay. Well, again, the	19	to explain to Henry Schein the prior
20	timeline, right, depending on where we	20	conviction? Would you agree that that
	were on the timeline, is when the onsite		would be an important due diligence
- 1	assessments were implemented. So if		inquiry for Henry Schein?
	we're talking about 2002 to 2007, yeah,	23	MR. McDONALD: Object to the
	•	24	form.
	you're not going to find		101111.
	Page 211		Page 213
	3		
1	Q. Okay. Let's get back down	1	THE WITNESS: I agree that
	_	1 2	_
	Q. Okay. Let's get back down		THE WITNESS: I agree that
2 3	Q. Okay. Let's get back down to earth.	2	THE WITNESS: I agree that it would be. But I do not agree
2 3 4	Q. Okay. Let's get back down to earth. In front of us is a document where a system was implemented or was	2 3	THE WITNESS: I agree that it would be. But I do not agree that it would ever get to that
2 3 4	Q. Okay. Let's get back down to earth. In front of us is a document	2 3 4	THE WITNESS: I agree that it would be. But I do not agree that it would ever get to that point because the doctor's
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2 3 4 5 6 7	Q. Okay. Let's get back down to earth. In front of us is a document where a system was implemented or was suggested by Cegedim Dendrite for new accounts to perform due diligence inquiries. Do you see that? A. Yes.	2 3 4 5 6 7	THE WITNESS: I agree that it would be. But I do not agree that it would ever get to that point because the doctor's license, his license to practice medicine would be revoked or
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Okay. Let's get back down to earth. In front of us is a document where a system was implemented or was suggested by Cegedim Dendrite for new accounts to perform due diligence inquiries. Do you see that? A. Yes. Q. They recommended a phone call as part of the new due diligence inquiry, correct? A. That's what they recommended. Q. They also recommended a follow-up with a document talking about legal issues related to legitimate medical use, correct? A. Okay. Q. And they recommended that there be a receipt so that customers new customers would acknowledge receiving such basically, the document, correct?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	THE WITNESS: I agree that it would be. But I do not agree that it would ever get to that point because the doctor's license, his license to practice medicine would be revoked or should be revoked. I mean, I'm not BY MR. MIGLIORI: Q. And let's say it wasn't. Based on what we just saw with Dr. Rannazzisi's Joe Rannazzisi's letter. A. Joe Rannazzisi was talking about the DEA registration. Q. Which a doctor has for controlled substances? A. In addition to in addition to his his State Board of Pharmacy license, which, by the way, his DEA registration is contingent upon his license, his State Board.

1			
1 1	Page 214		Page 216
1	not	1	MR. McDONALD: Object to the
2	Q. I'm going to give you a fact	2	form. Lack of foundation.
3	pattern. Because I think right now we're	3	THE WITNESS: So that would
4	enjoying going afield of each other, and	4	be a verification function. And
5	I want to just focus this, okay. I take	5	when they are setting up the
6	full responsibility for it.	6	account, and I don't want to
7	MR. McDONALD: Just listen	7	guess
8	to his question. Okay.	8	MR. McDONALD: Don't guess.
9	BY MR. MIGLIORI:	9	You're not here to guess.
10	Q. A doctor who has a prior	10	THE WITNESS: I'm not going
11	conviction for drug trafficking who has	11	to guess what their
	his license revoked and his DEA	12	MR. McDONALD: If you know,
	registration suspended and reinstated	13	tell him. If you don't, tell him
	seeks to become a new customer of Henry	14	that you don't know.
	Schein.	15	THE WITNESS: I don't know
16	Does Henry Schein, as of	16	what their practice would be in
17	2009, under this new system, do an	17	that hypothetical.
18	inquiry of that new customer, of whether	18	BY MR. MIGLIORI:
19	or not he or she has had prior	19	Q. All right. In this document
20	convictions for drug-related offenses?	20	in front of us, Exhibit Number 19, it
21	MR. McDONALD: Under your	21	says, that background investigations
22	• • • • • • • • • • • • • • • • • • •		should be conducted in that situation.
23	hypothetical, the license has been		
24	revoked? That's what you said?		And I'm asking you whether or not they
24	MR. MIGLIORI: And then I	27	were, whether or not regulatory and
	Page 215		D 017
	1 age 213		Page 217
1	said and then reinstated.	1	_
1 2	_	1 2	_
	said and then reinstated.		verifications implemented this change.
2	said and then reinstated. MR. McDONALD: You said his	2	verifications implemented this change. MR. McDONALD: Object to the
2 3	said and then reinstated. MR. McDONALD: You said his DEA registration has been	3	verifications implemented this change. MR. McDONALD: Object to the form. Mischaracterizes the
2 3 4	said and then reinstated. MR. McDONALD: You said his DEA registration has been suspended and reinstated. So both	3 4	verifications implemented this change. MR. McDONALD: Object to the form. Mischaracterizes the document.
2 3 4 5 6	said and then reinstated. MR. McDONALD: You said his DEA registration has been suspended and reinstated. So both have been revoked and both have	2 3 4 5	verifications implemented this change. MR. McDONALD: Object to the form. Mischaracterizes the document. THE WITNESS: I don't know.
2 3 4 5 6	said and then reinstated. MR. McDONALD: You said his DEA registration has been suspended and reinstated. So both have been revoked and both have been reinstated? BY MR. MIGLIORI:	2 3 4 5 6	verifications implemented this change. MR. McDONALD: Object to the form. Mischaracterizes the document. THE WITNESS: I don't know. MR. McDONALD: Objection,
2 3 4 5 6 7	said and then reinstated. MR. McDONALD: You said his DEA registration has been suspended and reinstated. So both have been revoked and both have been reinstated? BY MR. MIGLIORI: Q. His license revoked and DEA	2 3 4 5 6 7	verifications implemented this change. MR. McDONALD: Object to the form. Mischaracterizes the document. THE WITNESS: I don't know. MR. McDONALD: Objection, lack of foundation. BY MR. MIGLIORI:
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		<i>.</i>	Further Confidentiality Review
	Page 218		Page 220
1	Q. Yeah.	1	(Short break.)
2	A. Absolutely.	2	THE VIDEOGRAPHER: We are
3	Q. Would you have concern as	3	back on the record. The time is
4	director of regulatory affairs for a	4	3:29 p.m.
5	doctor who does have a drug trafficking	5	(Document marked for
6	past wanting to buy an order of	6	identification as Exhibit
7	controlled substances from Henry Schein?	7	Schein-DiBello-19.)
8	A. You're asking me would I	8	
9	have a concern if a doctor had a drug	9	Q. Let me show you Exhibit
10	trafficking violation?	10	•
11	Q. Conviction.	11	It's now February of 2008. It's an
12	A. Conviction?	1	e-mail exchange between you and Sergio.
13	Q. Yes.	13	·
14	A. Wanted to buy	14	the end, there is a reference to Sergio
15	pharmaceutical, controlled substances?	15	_
16	Q. Yes.	16	
17	A. That would be concern.	17	· · · · · · · · · · · · · · · · · · ·
18	Q. If verifications escalated	18	e e e :
19	that new customer inquiry to you and to	19	<u> </u>
20	Sergio Tejeda, that we have a customer	20	
21	here that wants to buy controlled	21	• •
22		22	· •
	out that over a decade ago, that doctor	23	
	was convicted of drug trafficking, that	24	sorry, Sergio writes, "As you know, this
	was convicted of arag trafficking, that		bolly, beigle writes, his you know, this
	Page 219		Page 221
	would be something concerning to you,	1	Page 221 was a meeting facilitated by the HDMA to
2	would be something concerning to you, correct?	2	Page 221 was a meeting facilitated by the HDMA to discuss a proposal to the DEA on best
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	D 222	_	D 224
1	Page 222	1	Page 224
	of new accounts Henry Schein opens daily,	1	Q. Dased on the last
	it will be virtually impossible to visit		recommendation we reviewed?
	all of them and proposed to have	3	A. That was not a regulatory
	different levels of review for different		function.
5	types of editioniers with office edited	5	Q. The question was, do you
6	practitioners semb in the low risk end	6	recall if they did do that?
7	and, therefore, subject to lesser level	7	A. I don't recall.
8	of review.	8	Q. Okay. Do you know if Henry
9	"We also discussed other	9	Schein adopted a self-certification
10	alternatives like self-certification and	10	process as an alternative to visiting
	third-party certification."	11	with new customers?
12	Do you recall this exchange	12	A. I don't know.
13	with Sergio?	13	Q. Do you recall if Henry
14	A. I don't recall this	14	Schein adopted a third-party
15	particular e-mail.	15	certification process for new customers?
16	Q. Do you recall Henry Schein's	16	A. We used Buzzeo and other
17	•	17	you know, we used I'm not sure what
18	visiting with all new customers based on	18	third-party certification is. But we
19	the number of new accounts Henry Schein	19	we used consultants to conduct onsite
20	opens daily?	20	audits.
21	A. I recall that it would be a	21	Q. For new customers?
22		22	A. For all customers.
23	conduct an onsite.	23	Q. Including new customers?
24	Q. Do you recall whether or not	24	A. Including new.
	Page 223	,	Page 225
	Henry Schein adopted any industrywide	1	Q. Do you know when that
2	Henry Schein adopted any industrywide recommendation to do onsite visits of new	2	Q. Do you know when that started?
3	Henry Schein adopted any industrywide recommendation to do onsite visits of new customers?	2	Q. Do you know when that started? A. I don't recall the time
3 4	Henry Schein adopted any industrywide recommendation to do onsite visits of new customers? A. No, I don't recall Henry	3 4	Q. Do you know when that started? A. I don't recall the time period, but I know we used Buzzeo and
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2 3 4 5 6	Henry Schein adopted any industrywide recommendation to do onsite visits of new customers? A. No, I don't recall Henry Schein adopting industrywide? No. Q. Industrywide	3 4	Q. Do you know when that started? A. I don't recall the time period, but I know we used Buzzeo and and others. Q. Okay. There's a reference
2 3 4 5 6 7	Henry Schein adopted any industrywide recommendation to do onsite visits of new customers? A. No, I don't recall Henry Schein adopting industrywide? No. Q. Industrywide recommendations.	2 3 4 5 6 7	Q. Do you know when that started? A. I don't recall the time period, but I know we used Buzzeo and and others. Q. Okay. There's a reference in the third paragraph that these changes
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	Page 226	Page 228
	one.	issued?
2	We made reference to the	Q. 2008. The actual date of it
3	HDMA and a guidance that they put out in	³ is November 13, 2008.
4	2008. Do you recall the 2008 HDMA	A. The I don't agree with
5	guidance on suspicious orders?	⁵ the statement in its entirety.
6	Suspicious order monitoring and	The HDMA was comprised of
7	compliance with DLIT.	⁷ many distribution companies, small,
8	A. Vaguely recall.	⁸ large, regionals, so I think they tried
9	Q. And at this time, Henry	⁹ to tried to unify the industry best
10	Schein is an active member of HDMA,	practices. But I don't know if they
11	correct?	11 if these guidelines were consistent with
12	A. Henry Schein is a member of	¹² all of their membership.
13	HDMA.	Q. Okay. Was there something
14	Q. And you attended HDMA	¹⁴ about these guidelines that Henry Schein
15	conferences yourself?	took particular issue with, that you can
16	A. Yes, I did.	16 recall?
17	Q. And you, in part, relied on	A. Not particularly. Nothing
18	HDMA to learn about DEA compliance,	¹⁸ jumps out at me, but
19	correct? Isn't that one of the examples	Q. Do you agree with the
20	you gave me earlier?	statement that that these guidelines
21	A. We attended conferences and	²¹ were prepared in recognition of a growing
22	we we attended other conferences. Not	²² problem of misuse and diversion of
	just HDMA.	²³ controlled substances and the critical
24	We we relied on some of	²⁴ role of each member of the supply chain
<u> </u>		
		Page 220
	Page 227	Page 229
	their guidances. They were guidances.	¹ in helping to enhance security?
2	their guidances. They were guidances. Q. I'm just simply asking you,	 in helping to enhance security? A. Yes.
	their guidances. They were guidances. Q. I'm just simply asking you, was this one of the examples of the trade	 in helping to enhance security? A. Yes. Q. Okay. The next sentence, it
3 4	their guidances. They were guidances. Q. I'm just simply asking you, was this one of the examples of the trade associations where you got on-the-job	 in helping to enhance security? A. Yes. Q. Okay. The next sentence, it says, "At the center of the sophisticated
2 3 4 5	their guidances. They were guidances. Q. I'm just simply asking you, was this one of the examples of the trade associations where you got on-the-job training for DEA compliance?	 in helping to enhance security? A. Yes. Q. Okay. The next sentence, it says, "At the center of the sophisticated supply chain, distributors are uniquely
2 3 4 5	their guidances. They were guidances. Q. I'm just simply asking you, was this one of the examples of the trade associations where you got on-the-job training for DEA compliance? A. This was one example. Yes.	 in helping to enhance security? A. Yes. Q. Okay. The next sentence, it says, "At the center of the sophisticated supply chain, distributors are uniquely situated to perform due diligence in
2 3 4 5 6 7	their guidances. They were guidances. Q. I'm just simply asking you, was this one of the examples of the trade associations where you got on-the-job training for DEA compliance? A. This was one example. Yes. Q. Okay. And on the first page	 in helping to enhance security? A. Yes. Q. Okay. The next sentence, it says, "At the center of the sophisticated supply chain, distributors are uniquely situated to perform due diligence in order to help support the security of
2 3 4 5 6 7 8	their guidances. They were guidances. Q. I'm just simply asking you, was this one of the examples of the trade associations where you got on-the-job training for DEA compliance? A. This was one example. Yes. Q. Okay. And on the first page of this guidance, Exhibit Number 20, it	 in helping to enhance security? A. Yes. Q. Okay. The next sentence, it says, "At the center of the sophisticated supply chain, distributors are uniquely situated to perform due diligence in order to help support the security of controlled substances they deliver to
2 3 4 5 6 7 8 9	their guidances. They were guidances. Q. I'm just simply asking you, was this one of the examples of the trade associations where you got on-the-job training for DEA compliance? A. This was one example. Yes. Q. Okay. And on the first page of this guidance, Exhibit Number 20, it says that "these industry compliance	in helping to enhance security? A. Yes. Q. Okay. The next sentence, it says, "At the center of the sophisticated supply chain, distributors are uniquely situated to perform due diligence in order to help support the security of controlled substances they deliver to their customers."
2 3 4 5 6 7 8 9	their guidances. They were guidances. Q. I'm just simply asking you, was this one of the examples of the trade associations where you got on-the-job training for DEA compliance? A. This was one example. Yes. Q. Okay. And on the first page of this guidance, Exhibit Number 20, it says that "these industry compliance guidelines are consistent with and	in helping to enhance security? A. Yes. Q. Okay. The next sentence, it says, "At the center of the sophisticated supply chain, distributors are uniquely situated to perform due diligence in order to help support the security of controlled substances they deliver to their customers." Do you agree that
2 3 4 5 6 7 8 9 10	their guidances. They were guidances. Q. I'm just simply asking you, was this one of the examples of the trade associations where you got on-the-job training for DEA compliance? A. This was one example. Yes. Q. Okay. And on the first page of this guidance, Exhibit Number 20, it says that "these industry compliance guidelines are consistent with and further extend the distributors' track	 in helping to enhance security? A. Yes. Q. Okay. The next sentence, it says, "At the center of the sophisticated supply chain, distributors are uniquely situated to perform due diligence in order to help support the security of controlled substances they deliver to their customers." Do you agree that distributors are uniquely situated to
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2 3 3 4 4 5 6 6 7 8 9 100 111 122 133 144 155 166 177 188 199 200 21 222 23	their guidances. They were guidances. Q. I'm just simply asking you, was this one of the examples of the trade associations where you got on-the-job training for DEA compliance? A. This was one example. Yes. Q. Okay. And on the first page of this guidance, Exhibit Number 20, it says that "these industry compliance guidelines are consistent with and further extend the distributors' track record of supporting and implementing initiatives designed to improve safety, security, and integrity of" "of medicine supply. They have been prepared in recognition of a growing problem of misuse and diversion of controlled substances, and the critical role of each member of the supply chain in helping to enhance security." Did you agree with that statement?	in helping to enhance security? A. Yes. Q. Okay. The next sentence, it says, "At the center of the sophisticated supply chain, distributors are uniquely situated to perform due diligence in order to help support the security of controlled substances they deliver to their customers." Do you agree that distributors are uniquely situated to perform the due diligence in order to prevent diversion? A. I wouldn't say they're part of the supply chain, but I don't know if I would use the word "uniquely." Uniquely situated. They are just another you know, distributor is a part of the supply chain. Q. So as director of regulatory affairs at Henry Schein during this period of time through 2012, you didn't

D 220	D 222
Page 230	
¹ and misuse and abuse of opioids?	¹ distributor should independently
² A. We had a position. We had,	² investigate the potential customer. Do
³ as a member of the supply chain, everyone	³ you agree that's the best practice for a
⁴ had a role, a very important role. I'm	⁴ distributor to independently investigate
⁵ not sure that I would say one was more	⁵ the potential customer of controlled
⁶ important or one was more unique or	⁶ substances?
⁷ different different situated okay.	⁷ A. In 2008?
⁸ Q. Do you accept the concept?	⁸ Q. Yeah.
⁹ A. It's okay.	⁹ A. Yes. Yes.
Q. Do you agree that due	10 Q. "To help ensure that the
¹¹ diligence can provide a greater level of	¹¹ industry compliance guidelines remain
¹² assurance that those who purchase	¹² robust and adaptable, the 'know your
¹³ controlled substances from distributors	¹³ customer' due diligence phase also
¹⁴ intend to dispense them for legally	¹⁴ describes additional recommendations and
¹⁵ acceptable purposes? That that is the	¹⁵ documentation containing further
¹⁶ goal of due diligence?	16 suggestions for managing the
17 A. Yes.	¹⁷ distributor's procedures."
Q. I'm not going to go through	18 It goes on to specifically
¹⁹ the whole document. But if you look at	¹⁹ reference different types of information
²⁰ the Page 4 of 15. There's a section	²⁰ to gather. Do you know if, first of all,
21 titled "Know Your Customer Due	²¹ you received these guidances in or around
²² Diligence."	November of 2008, you personally in
A. Okay.	²³ regulatory affairs?
Q. And do you see that whole	A. In around November of 2008,
Page 231	Page 233
Page 231	
¹ first section talks about opening new	¹ yeah, yes. I agree somewhat.
 first section talks about opening new accounts? 	 yeah, yes. I agree somewhat. Q. Do you recall implementing
 first section talks about opening new accounts? A. Okay. 	 yeah, yes. I agree somewhat. Q. Do you recall implementing any of these best practices as
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•	arginly confidential - Subject to	o raitifici conflictatity keview
	Page 234	Page 236
	Q. Exhibit 21 is a confidential	Do you see that finding?
	interoffice memorandum from Brian how	² A. Yes.
	do you pronounce his last name?	³ Q. Do you see that for this
	A. Loiacono.	⁴ particular group of clinics, there was a
	Q. Loiacono and Craig Schiavo,	⁵ large percentage of orders of controlled
	copying you and Sergio. Did you review	⁶ substances over noncontrolled substances?
	this document in preparation for today?	⁷ A. Yes.
	A. No.	⁸ Q. Do you agree with me that's
	Q. This is a confidential	⁹ one of your "know your customer"
1		10 inquiries that had been recommended by
1	management clinics and recommendations.	¹¹ Buzzeo and by the HDMA?
	² Do you recall around May of 2009 doing	12 A. Yes.
- 1	regulatory affairs conducting due	Q. The other inquiry was a
	diligence audits on customers of Henry	14 quantity of patients that actually see a
	Schein?	15 doctor. "In some cases, we witnessed
1		lines outside of the facility well before
1		office hours."
	out, but we conducted many audits	Do you agree that waiting
1	•	lines in front of doctors or pharmacies
2	•	20 is an indication of potential diversion?
2	•	21 A. Could be.
	² pain management clinic?	Q. And that's one of the
2		23 recommendations for inquiry and due
2	- · · · · · · · · · · · · · · · · · · ·	²⁴ diligence by Buzzeo and HDMA?
- 1	Q. The incinoralidating bays, willie	anigence by Bazzeo and HBWH.
	<u> </u>	
	Page 235	Page 237
	Page 235 conducting our assessments of these	Page 237 MR. McDONALD: Object to the
	Page 235 1 conducting our assessments of these 2 facilities we found that most met the	Page 237 MR. McDONALD: Object to the form.
	Page 235 1 conducting our assessments of these 2 facilities we found that most met the 3 minimum DEA requirements, i.e., security	Page 237 MR. McDONALD: Object to the form. THE WITNESS: That's one of
	Page 235 conducting our assessments of these facilities we found that most met the minimum DEA requirements, i.e., security and recordkeeping; however, compliance	Page 237 MR. McDONALD: Object to the form. THE WITNESS: That's one of the recommendations
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1 1 1 1 1 1 1 1	Page 235 1 conducting our assessments of these 2 facilities we found that most met the 3 minimum DEA requirements, i.e., security 4 and recordkeeping; however, compliance 5 with the minimal DEA requirements does 6 not necessarily convey the legitimacy of 7 the pain clinic. The issues listed below 8 pose serious concerns in regards to 9 shipping controlled substances to pain 9 clinics." 1 Do you recall doing a deeper 1 dive on this particular customer beyond 1 what they're calling here the minimum DEA 1 requirements? 2 A. I don't recall.	Page 237 MR. McDONALD: Object to the form. THE WITNESS: That's one of the recommendations BY MR. MIGLIORI: Q. Due diligence inquiry. A. To look at the Q. Whether or not there are patients in waiting lines and before opening. Do you ever recall that red flag being identified as a point of inquiry? A. I don't recall that as a red flag, but mm-hmm. Q. And do you recall that based
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1 1 1 1 1 1 1 2 2 2 2	Page 235 conducting our assessments of these facilities we found that most met the minimum DEA requirements, i.e., security and recordkeeping; however, compliance with the minimal DEA requirements does not necessarily convey the legitimacy of the pain clinic. The issues listed below pose serious concerns in regards to shipping controlled substances to pain clinics." Do you recall doing a deeper dive on this particular customer beyond what they're calling here the minimum DEA requirements? A. I don't recall. Q. In investigating these clinics, it was found that a lot of these were cash-only businesses. Do you see that? A. Yes. Cash only. I see that.	Page 237 MR. McDONALD: Object to the form. THE WITNESS: That's one of the recommendations BY MR. MIGLIORI: Q. Due diligence inquiry. A. To look at the Q. Whether or not there are patients in waiting lines and before opening. Do you ever recall that red flag being identified as a point of inquiry? A. I don't recall that as a red flag, but mm-hmm. Q. And do you recall that based on those findings that regulatory affairs, your department, and Ron Buzzeo recommended cutting off PCDS as a client? MR. McDONALD: Object to the form.

²⁴ the patients were out of state.

²⁴ account. There were many accounts. I

D 220	D 240
Page 238	Page 240
¹ don't recall it.	¹ right after the implementation full
Q. You would agree with me that	² implementation of the SOM project,
³ at least on the face of this document,	³ correct? If we look at the SOM process
⁴ these aren't triggered by thresholds,	⁴ timeline in Exhibit Number 5, correct?
⁵ size of an order, frequency of pattern,	⁵ MR. McDONALD: I'm sorry.
⁶ correct? That these are principles of	You are representing to the
⁷ know your customer, correct?	witness that this document is
⁸ A. Correct.	⁸ dated November 2nd, 2009?
⁹ Q. And that a customer could be	⁹ MR. MIGLIORI: Yes.
¹⁰ a customer to whom you should not be	MR. McDONALD: I don't
¹¹ selling controlled substances just based	understand how that's possible.
¹² on concepts of knowing your customer due	On the second page, it refers to a
¹³ diligence, correct?	meeting that's dated December 16,
MR. McDONALD: Object to the	¹⁴ 2009.
¹⁵ form.	¹⁵ MR. MIGLIORI: Okay. I
THE WITNESS: Can you repeat	appreciate that. So it's after
that question?	that. I don't know where the
¹⁸ BY MR. MIGLIORI:	metadata came from then. But we
Q. Sure. You don't need a	can at least put now, instead of
²⁰ variation in size, frequency, or pattern	November 2nd, it's after
21 of order in order for a customer to be an	December 16, 2009.
²² inappropriate customer for controlled	Thank you.
²³ substances after doing or performing due	²³ BY MR. MIGLIORI:
²⁴ diligence and this kind of inquiry,	Q. Do you see this report?
Page 239	Page 241
Page 239	Page 241
¹ correct?	¹ A. Yes.
¹ correct? ² A. I agree.	A. Yes. Q. By Cegedim?
 correct? A. I agree. Q. And that the obligation to 	 A. Yes. Q. By Cegedim? A. I see it.
 correct? A. I agree. Q. And that the obligation to know your customer is an ongoing 	 A. Yes. Q. By Cegedim? A. I see it. Q. Okay. And again, that is
 correct? A. I agree. Q. And that the obligation to know your customer is an ongoing obligation; that is, it's not only 	 A. Yes. Q. By Cegedim? A. I see it. Q. Okay. And again, that is the it's still after the
 correct? A. I agree. Q. And that the obligation to know your customer is an ongoing obligation; that is, it's not only triggered by a deviation of order in 	 A. Yes. Q. By Cegedim? A. I see it. Q. Okay. And again, that is the it's still after the implementation of the new SOM procedures,
 correct? A. I agree. Q. And that the obligation to know your customer is an ongoing obligation; that is, it's not only triggered by a deviation of order in size, frequency or pattern, correct? 	 A. Yes. Q. By Cegedim? A. I see it. Q. Okay. And again, that is the it's still after the implementation of the new SOM procedures, correct, or the implementation of the SOM
 1 correct? 2 A. I agree. 3 Q. And that the obligation to 4 know your customer is an ongoing 5 obligation; that is, it's not only 6 triggered by a deviation of order in 7 size, frequency or pattern, correct? 8 A. Correct. 	A. Yes. Q. By Cegedim? A. I see it. Q. Okay. And again, that is the it's still after the implementation of the new SOM procedures, correct, or the implementation of the SOM project started in 2007, correct?
 correct? A. I agree. Q. And that the obligation to know your customer is an ongoing obligation; that is, it's not only triggered by a deviation of order in size, frequency or pattern, correct? A. Correct. Q. It starts with onboarding 	A. Yes. Q. By Cegedim? A. I see it. Q. Okay. And again, that is the it's still after the implementation of the new SOM procedures, correct, or the implementation of the SOM project started in 2007, correct? A. It's after 2007?
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1 correct? 2 A. I agree. 3 Q. And that the obligation to 4 know your customer is an ongoing 5 obligation; that is, it's not only 6 triggered by a deviation of order in 7 size, frequency or pattern, correct? 8 A. Correct. 9 Q. It starts with onboarding 10 the customer and then continues through 11 any orders of controlled substances, 12 correct? 13 MR. McDONALD: Object to the 14 form. 15 THE WITNESS: Correct. 16 (Document marked for 17 identification as Exhibit 18 Schein-DiBello-22.) 19 BY MR. MIGLIORI: 20 Q. Let me show you Exhibit 21 Number 22. This is another Cegedim 22 Dendrite report. This one is dated	A. Yes. Q. By Cegedim? A. I see it. Q. Okay. And again, that is the it's still after the implementation of the new SOM procedures, correct, or the implementation of the SOM project started in 2007, correct? A. It's after 2007? Q. No. It's after the implementation of that project in 2009. A. After the implementation in 2009. A. After the implementation in suspicious order monitoring procedural review, it says, "The guidance provided review, it says, "The guidance provided directly through the regulations was further amplified in correspondence delivered by the DEA in December of 2007." We referred specifically to that letter, right? You remember that?
1 correct? 2 A. I agree. 3 Q. And that the obligation to 4 know your customer is an ongoing 5 obligation; that is, it's not only 6 triggered by a deviation of order in 7 size, frequency or pattern, correct? 8 A. Correct. 9 Q. It starts with onboarding 10 the customer and then continues through 11 any orders of controlled substances, 12 correct? 13 MR. McDONALD: Object to the 14 form. 15 THE WITNESS: Correct. 16 (Document marked for 17 identification as Exhibit 18 Schein-DiBello-22.) 19 BY MR. MIGLIORI: 20 Q. Let me show you Exhibit 21 Number 22. This is another Cegedim	A. Yes. Q. By Cegedim? A. I see it. Q. Okay. And again, that is the it's still after the implementation of the new SOM procedures, correct, or the implementation of the SOM project started in 2007, correct? A. It's after 2007? Q. No. It's after the implementation of that project in 2009. A. After the implementation in 2009. A. After the implementation in suspicious order monitoring procedural review, it says, "The guidance provided directly through the regulations was further amplified in correspondence delivered by the DEA in December of 20 2007."

Page 242 Page 244 A. Yes. ¹ new account opening process. "And in correspondence, the O. Will you agree with me that ³ DEA established expectations that ³ at least as of the end of 2009, there was ⁴ registrants will actively investigate ⁴ no compliance agreement as part of the ⁵ prospective customers and aggressively due diligence process for new customers? ⁶ investigate orders pending to filling A. I don't know what a ⁷ them." compliance agreement form is. 8 8 Do you see that? Q. Okay. A. I've never seen this 9 A. Yes. 10 document. And there were meetings that Q. All right. If you go to the ¹¹ conclusions on Page 4, in referring to were ongoing throughout the entire and -the recommendations of Buzzeo, it says, and post-implementation process. 13 "Some of the original recommendations are Q. Okay. 14 14 still open, including the development of So it was -- again, it was a procedures to govern and control access dynamic evolutionary process that was constantly being enhanced and improved. ¹⁶ codes and the validation of a computer 17 system." 17 Q. You would agree with me that 18 So as of this date, which this enhancement and improvement was in coordination with the regulatory affairs 19 is, as counsel points out, after December ²⁰ of 2009, there were still some access department and verifications? codes and validations that had not been A. It was -- regulatory's role ²² completed. Do you see that? ²² was to work with other departments that 23 ²³ would -- that would implement certain I see that. 24 The third bullet point says, ²⁴ enhancements, such as the verifications Page 243 Page 245 ¹ "New accounts are opened without ¹ group and the IT group. And so there ² were multiple parties working on these ² sufficient due diligence ³ investigations/inquiries. For the most ³ enhancements. ⁴ part, new accounts are opened based upon Q. Okay. My question was ⁵ a verification of the customer's DEA simply, you'll agree with me that two of ⁶ number, which is not considered adequate those parties were verifications and your ⁷ by the DEA." department, regulatory affairs, correct? 8 Do you recall being told Two of those departments, ⁹ sometime after December of 2009 that new 9 yes. 10 accounts were not being opened with Q. All right. It also says 11 here that "the use of Med Pro inquiry sufficient due diligence? should be expanded for all controlled 12 A. No. substance accounts and not just for the Q. "Correspondence regarding ¹⁴ the prospective customer's previous limited number of states that require ¹⁵ history of using controlled substances, this background check." ¹⁶ office practice rules, and general 16 Were you familiar with the practice expectations should be completed Med Pro inquiry system? prior to opening the new account." 18 18 A. No. Q. All right. We'll move on. 19 19 Were you aware that those ²⁰ were not being done before opening a new "Henry Schein has conducted some onsite investigations for 21 account? prospective customers; however, the 22 A. I don't recall. criteria for level of due diligence has Q. A compliance agreement form should be developed and included in the ²⁴ not been documented in any standard

Page 246 ¹ operating procedure or memorandum." ¹ defined and reliant to some extent upon Is it your recollection that ² the judgment of individual employees ³ as of the end of 2009, Henry Schein had ³ regarding what types of situations should ⁴ no standard operating procedure for when ⁴ be referred to management for approval or ⁵ and how to do onsite investigation for ⁵ forwarded to regulatory for prospective customers? investigation." MR. McDONALD: Object to the Was that the state of the 8 form. Lack of foundation. 8 interrelationship between those two 9 departments at the end of 2009, that the THE WITNESS: I don't recall 10 relationships were poorly defined as the date of the standard operating procedure. 11 stated here? 11 12 ¹² BY MR. MIGLIORI: A. This is the first time I'm 13 Q. Okay. At least according to 13 seeing this document, and I -- I don't ¹⁴ this document, as of December of 2009, agree with that comment. ¹⁵ Henry Schein, according to this Dendrite Q. Okay. So you don't recall ¹⁶ report, did not have a standard operating ¹⁶ being told by Cegedim, a consultant that ¹⁷ procedure for onsite investigations of you hired to review your suspicious order prospective customers. That's what the monitoring program, that the three document says, correct? departments, customer service, 20 ²⁰ verifications, and regulatory affairs, A. That's what the document 21 says. 21 had poorly defined roles in the 22 ²² suspicious order monitoring system? You O. Then another observation was 23 that "at the end of 2009, lower level ²³ don't recall being told that? ²⁴ staff is actively involved in clearing A. No. Page 249 Page 247 ¹ pended orders. Pended orders should be Q. You'll agree with me that ² cleared by a management official." ² that's what they are representing here in ³ this document? Was that true that at the ⁴ end of 2009, low level staff at -- in the A. That's what the document ⁵ verifications department was still says. ⁶ actively clearing pended orders without Q. Okay. And you see under ⁷ management involvement? ⁷ qualifications and disclaimers that 8 ⁸ Cegedim is saying, "Implementation of MR. McDONALD: Object to 9 form. Lack of foundation. these recommendations does not guarantee 10 that the DEA would not find any 10 THE WITNESS: I don't -- I ¹¹ violations. The recommendations must be 11 don't know what level of 12 management reviewed verification 12 considered with this in mind." 13 pended orders. That's So, to your knowledge, as you sit here today, do you know if any of 14 verification. these recommendations were, in fact, 15 BY MR. MIGLIORI: implemented? 16 Q. Cegedim states on the bottom 17 ¹⁷ of the conclusions and recommendations A. I don't recall specific ¹⁸ that "Henry Schein has clearly invested a recommendations that were implemented or 19 great deal of time and energy in 19 not. 20 ²⁰ developing an adequate SOM system. (Document marked for ²¹ However, the responsibilities of the 21 identification as Exhibit ²² customer service department, the 22 Schein-DiBello-23.) ²³ verifications department, and the ²³ BY MR. MIGLIORI:

²⁴ regulatory department appear to be poorly

Q. I'll show you Exhibit

Page 250 Page 252 ¹ Number 23. ¹ procedure. This is an e-mail chain. Q. Once pended, the preliminary ³ review happened at the verifications ³ The top e-mail is from Craig Schiavo ⁴ dated February 10, 2011, addressed to ⁴ level, correct? ⁵ you, and it refers to the SOM procedures. A. Verification, review, right. ⁶ And then it says, "Here is the PDF of the Q. And that constituted a ⁷ review and release procedure in case you website search, a Google search, a DEA website search, a licensure search. 8 couldn't open the Visio version." Do you recall new suspicious Those are some examples of what happened ¹⁰ order monitoring procedures being at that first level review, correct? 11 implemented that had a change in the 11 A. Correct. 12 12 review and release procedure? Q. That was not necessarily A. Had a change in the review 13 ¹³ done by management, that was done by staff, correct? and release procedure? 15 15 MR. McDONALD: Object to the Q. Yep. A. I don't recall specifically 16 16 form. Lack of foundation. 17 17 THE WITNESS: I don't recall that. 18 Q. If you look at the -- the 18 who in verification did that. BY MR. MIGLIORI: lower e-mail on the first page. 19 20 20 A. Okay. Q. Okay. 21 Q. Craig Schiavo writes to you A. Of what their titles were. ²² and copies Sergio and says, "Mike, Q. If the order was released, 23 it would be deemed legitimate and sent, ²³ attached are the new suspicious order ²⁴ monitoring procedures we have ²⁴ if the order was okayed after that Page 251 Page 253 ¹ implemented. You may not be able to open ¹ internet search, correct? ² one of the review and release procedures That was the decision block ³ if you don't have Visio. If not, please ³ there. ⁴ let me know and I will send you a PDF." O. If it wasn't cleared there, And then it talks about the ⁵ verification required a justification letter and questionnaire from the ⁶ controlled substance monitoring and ⁷ reporting procedure. Review and release customer. So a letter would be sent out procedure. New account setup procedure. to the customer for justification of the Do you recall receiving this order, correct? ¹⁰ information in February of 2011 relative 10 A. That's what it says. 11 11 to the new SOM procedures being Q. Is that what you recall too? 12 implemented? A. I don't recall the specific 13 A. No. ¹³ verification review process. But 14 that's -- that's what it says. Q. If you turn to the next page. There is a diagram of the review Q. According to this, the first ¹⁶ and release procedure. It talks about a 16 step was going on the internet and do a pended order at the top of the diagram. search on the internet. The second step ¹⁸ Do you see that? would be to send a letter first class 19 A. Yes. mail to the customer for a written 20 Q. And then the shipment once response. That's what the blocks -pended was placed on hold. Was that the that's the current flowchart, right? 22 procedure in 2011? It was pended, the MR. McDONALD: Object to 23 ²³ shipment was held up? form. Nowhere on there does it 24 24 A. I believe that was the say internet.

	D 254	T 1	D 256
	Page 254		Page 256
1	MR. MIGLIORI: Website. I'm	1	A. Okay.
2	sorry.	2	Q. So after the website and
3	MR. McDONALD: And a lot of	1	licensure, et cetera, review, if it were
4	other things as well. And the		not clear, it would go to a letter,
5	word and "et cetera." It	5	correct.
6	nowhere says the original one is	6	A. That's what it says.
7	limited to the internet. That is	7	Q. So far, nothing here says
8	your interpretation.		get a telephone call, correct, in the
9	MR. MIGLIORI: That's fine.		flowchart?
10	MR. McDONALD: That's not	10	A. Yeah, I don't I don't see
11	what the document says.	1	telephone call in here.
12	MR. MIGLIORI: If it came	12	Q. All right. If after the
13	across that way, I did not mean		letter, it's not acceptable, the next
14	it.		step would be verification would notify
15	MR. McDONALD: Okay.		your department of the pended order,
16	MR. MIGLIORI: I said		correct?
17	internet when I meant website.	17	A. They would notify
18	MR. McDONALD: Among other		"Verification notifies regulatory of the
19	things.	1	pended order."
20	MR. MIGLIORI: And et	20	Q. Okay. There is no reference
21	cetera.		to on-site visits for verification,
22	BY MR. MIGLIORI:		correct?
23	Q. Okay. You had a pended	23	A. No reference at that point.
24	order. The first thing you would do is	24	Q. There is no reference to
	Page 255		Page 257
1	_	1	-
	go to the website, go to Google, go to		Page 257 telephone interviews from verifications, correct?
2	go to the website, go to Google, go to the DEA website, go to licensure, et		telephone interviews from verifications, correct?
3	go to the website, go to Google, go to	3	telephone interviews from verifications,
3	go to the website, go to Google, go to the DEA website, go to licensure, et cetera. That would be the first step,	3	telephone interviews from verifications, correct? A. At that point, I don't see
2 3 4 5	go to the website, go to Google, go to the DEA website, go to licensure, et cetera. That would be the first step, correct?	2 3 4 5	telephone interviews from verifications, correct? A. At that point, I don't see it.
2 3 4 5	go to the website, go to Google, go to the DEA website, go to licensure, et cetera. That would be the first step, correct? A. That is a verification	2 3 4 5	telephone interviews from verifications, correct? A. At that point, I don't see it. Q. It's only after the questionnaire comes back and the order
2 3 4 5 6	go to the website, go to Google, go to the DEA website, go to licensure, et cetera. That would be the first step, correct? A. That is a verification function.	2 3 4 5 6	telephone interviews from verifications, correct? A. At that point, I don't see it. Q. It's only after the questionnaire comes back and the order
2 3 4 5 6 7	go to the website, go to Google, go to the DEA website, go to licensure, et cetera. That would be the first step, correct? A. That is a verification function. Q. Right.	2 3 4 5 6 7 8	telephone interviews from verifications, correct? A. At that point, I don't see it. Q. It's only after the questionnaire comes back and the order cannot be released that it goes to
2 3 4 5 6 7 8	go to the website, go to Google, go to the DEA website, go to licensure, et cetera. That would be the first step, correct? A. That is a verification function. Q. Right. A. That I can't comment on	2 3 4 5 6 7 8	telephone interviews from verifications, correct? A. At that point, I don't see it. Q. It's only after the questionnaire comes back and the order cannot be released that it goes to regulatory, where regulatory will review
2 3 4 5 6 7 8 9	go to the website, go to Google, go to the DEA website, go to licensure, et cetera. That would be the first step, correct? A. That is a verification function. Q. Right. A. That I can't comment on verification.	2 3 4 5 6 7 8	telephone interviews from verifications, correct? A. At that point, I don't see it. Q. It's only after the questionnaire comes back and the order cannot be released that it goes to regulatory, where regulatory will review one or all of the following: Either send
2 3 4 5 6 7 8 9 10	go to the website, go to Google, go to the DEA website, go to licensure, et cetera. That would be the first step, correct? A. That is a verification function. Q. Right. A. That I can't comment on verification. Q. Well, this is you are receiving directly from Craig Schiavo who	2 3 4 5 6 7 8 9	telephone interviews from verifications, correct? A. At that point, I don't see it. Q. It's only after the questionnaire comes back and the order cannot be released that it goes to regulatory, where regulatory will review one or all of the following: Either send an additional questionnaire, or conduct a
2 3 4 5 6 7 8 9 10	go to the website, go to Google, go to the DEA website, go to licensure, et cetera. That would be the first step, correct? A. That is a verification function. Q. Right. A. That I can't comment on verification. Q. Well, this is you are receiving directly from Craig Schiavo who	2 3 4 5 6 7 8 9 10	telephone interviews from verifications, correct? A. At that point, I don't see it. Q. It's only after the questionnaire comes back and the order cannot be released that it goes to regulatory, where regulatory will review one or all of the following: Either send an additional questionnaire, or conduct a phone interview, or conduct a site visit,
2 3 4 5 6 7 8 9 10 11	go to the website, go to Google, go to the DEA website, go to licensure, et cetera. That would be the first step, correct? A. That is a verification function. Q. Right. A. That I can't comment on verification. Q. Well, this is you are receiving directly from Craig Schiavo who reports to you an SOM standard operating	2 3 4 5 6 7 8 9 10 11 12	telephone interviews from verifications, correct? A. At that point, I don't see it. Q. It's only after the questionnaire comes back and the order cannot be released that it goes to regulatory, where regulatory will review one or all of the following: Either send an additional questionnaire, or conduct a phone interview, or conduct a site visit, or review agencies, the DEA, the Board of
2 3 4 5 6 7 8 9 10 11 12 13	go to the website, go to Google, go to the DEA website, go to licensure, et cetera. That would be the first step, correct? A. That is a verification function. Q. Right. A. That I can't comment on verification. Q. Well, this is you are receiving directly from Craig Schiavo who reports to you an SOM standard operating procedure. This is a formal document of	2 3 4 5 6 7 8 9 10 11 12 13	telephone interviews from verifications, correct? A. At that point, I don't see it. Q. It's only after the questionnaire comes back and the order cannot be released that it goes to regulatory, where regulatory will review one or all of the following: Either send an additional questionnaire, or conduct a phone interview, or conduct a site visit, or review agencies, the DEA, the Board of Pharmacy, or the police.
2 3 4 5 6 7 8 9 10 11 12 13 14	go to the website, go to Google, go to the DEA website, go to licensure, et cetera. That would be the first step, correct? A. That is a verification function. Q. Right. A. That I can't comment on verification. Q. Well, this is you are receiving directly from Craig Schiavo who reports to you an SOM standard operating procedure. This is a formal document of the company, right?	2 3 4 5 6 7 8 9 10 11 12 13	telephone interviews from verifications, correct? A. At that point, I don't see it. Q. It's only after the questionnaire comes back and the order cannot be released that it goes to regulatory, where regulatory will review one or all of the following: Either send an additional questionnaire, or conduct a phone interview, or conduct a site visit, or review agencies, the DEA, the Board of Pharmacy, or the police. Do you see that?
2 3 4 5 6 7 8 9 10 11 12 13 14 15	go to the website, go to Google, go to the DEA website, go to licensure, et cetera. That would be the first step, correct? A. That is a verification function. Q. Right. A. That I can't comment on verification. Q. Well, this is you are receiving directly from Craig Schiavo who reports to you an SOM standard operating procedure. This is a formal document of the company, right? A. It's a flowchart.	2 3 4 5 6 7 8 9 10 11 12 13 14	telephone interviews from verifications, correct? A. At that point, I don't see it. Q. It's only after the questionnaire comes back and the order cannot be released that it goes to regulatory, where regulatory will review one or all of the following: Either send an additional questionnaire, or conduct a phone interview, or conduct a site visit, or review agencies, the DEA, the Board of Pharmacy, or the police. Do you see that? A. I see that.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	go to the website, go to Google, go to the DEA website, go to licensure, et cetera. That would be the first step, correct? A. That is a verification function. Q. Right. A. That I can't comment on verification. Q. Well, this is you are receiving directly from Craig Schiavo who reports to you an SOM standard operating procedure. This is a formal document of the company, right? A. It's a flowchart. Q. Right. But it's a it's	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	telephone interviews from verifications, correct? A. At that point, I don't see it. Q. It's only after the questionnaire comes back and the order cannot be released that it goes to regulatory, where regulatory will review one or all of the following: Either send an additional questionnaire, or conduct a phone interview, or conduct a site visit, or review agencies, the DEA, the Board of Pharmacy, or the police. Do you see that? A. I see that. Q. So the investigation or the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	go to the website, go to Google, go to the DEA website, go to licensure, et cetera. That would be the first step, correct? A. That is a verification function. Q. Right. A. That I can't comment on verification. Q. Well, this is you are receiving directly from Craig Schiavo who reports to you an SOM standard operating procedure. This is a formal document of the company, right? A. It's a flowchart. Q. Right. But it's a it's a it's a formal procedure. This would	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	telephone interviews from verifications, correct? A. At that point, I don't see it. Q. It's only after the questionnaire comes back and the order cannot be released that it goes to regulatory, where regulatory will review one or all of the following: Either send an additional questionnaire, or conduct a phone interview, or conduct a site visit, or review agencies, the DEA, the Board of Pharmacy, or the police. Do you see that? A. I see that. Q. So the investigation or the due diligence under this new SOM
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	go to the website, go to Google, go to the DEA website, go to licensure, et cetera. That would be the first step, correct? A. That is a verification function. Q. Right. A. That I can't comment on verification. Q. Well, this is you are receiving directly from Craig Schiavo who reports to you an SOM standard operating procedure. This is a formal document of the company, right? A. It's a flowchart. Q. Right. But it's a it's a it's a formal procedure. This would end up in a standard operating procedure,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	telephone interviews from verifications, correct? A. At that point, I don't see it. Q. It's only after the questionnaire comes back and the order cannot be released that it goes to regulatory, where regulatory will review one or all of the following: Either send an additional questionnaire, or conduct a phone interview, or conduct a site visit, or review agencies, the DEA, the Board of Pharmacy, or the police. Do you see that? A. I see that. Q. So the investigation or the due diligence under this new SOM procedure in February of 2011, has all of
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	go to the website, go to Google, go to the DEA website, go to licensure, et cetera. That would be the first step, correct? A. That is a verification function. Q. Right. A. That I can't comment on verification. Q. Well, this is you are receiving directly from Craig Schiavo who reports to you an SOM standard operating procedure. This is a formal document of the company, right? A. It's a flowchart. Q. Right. But it's a it's a it's a formal procedure. This would end up in a standard operating procedure, right? New SOM procedures, correct?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	telephone interviews from verifications, correct? A. At that point, I don't see it. Q. It's only after the questionnaire comes back and the order cannot be released that it goes to regulatory, where regulatory will review one or all of the following: Either send an additional questionnaire, or conduct a phone interview, or conduct a site visit, or review agencies, the DEA, the Board of Pharmacy, or the police. Do you see that? A. I see that. Q. So the investigation or the due diligence under this new SOM procedure in February of 2011, has all of the direct contact with the customer happening at the regulatory level, not at
2 3 4 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	go to the website, go to Google, go to the DEA website, go to licensure, et cetera. That would be the first step, correct? A. That is a verification function. Q. Right. A. That I can't comment on verification. Q. Well, this is you are receiving directly from Craig Schiavo who reports to you an SOM standard operating procedure. This is a formal document of the company, right? A. It's a flowchart. Q. Right. But it's a it's a it's a formal procedure. This would end up in a standard operating procedure, right? New SOM procedures, correct? A. Correct.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	telephone interviews from verifications, correct? A. At that point, I don't see it. Q. It's only after the questionnaire comes back and the order cannot be released that it goes to regulatory, where regulatory will review one or all of the following: Either send an additional questionnaire, or conduct a phone interview, or conduct a site visit, or review agencies, the DEA, the Board of Pharmacy, or the police. Do you see that? A. I see that. Q. So the investigation or the due diligence under this new SOM procedure in February of 2011, has all of the direct contact with the customer happening at the regulatory level, not at
2 3 3 4 4 5 6 6 7 8 8 9 10 11 12 13 14 15 16 17 18 19 20 21	go to the website, go to Google, go to the DEA website, go to licensure, et cetera. That would be the first step, correct? A. That is a verification function. Q. Right. A. That I can't comment on verification. Q. Well, this is you are receiving directly from Craig Schiavo who reports to you an SOM standard operating procedure. This is a formal document of the company, right? A. It's a flowchart. Q. Right. But it's a it's a it's a it's a formal procedure. This would end up in a standard operating procedure, right? New SOM procedures, correct? A. Correct. Q. This isn't this is a	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	telephone interviews from verifications, correct? A. At that point, I don't see it. Q. It's only after the questionnaire comes back and the order cannot be released that it goes to regulatory, where regulatory will review one or all of the following: Either send an additional questionnaire, or conduct a phone interview, or conduct a site visit, or review agencies, the DEA, the Board of Pharmacy, or the police. Do you see that? A. I see that. Q. So the investigation or the due diligence under this new SOM procedure in February of 2011, has all of the direct contact with the customer happening at the regulatory level, not at verifications, correct?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	go to the website, go to Google, go to the DEA website, go to licensure, et cetera. That would be the first step, correct? A. That is a verification function. Q. Right. A. That I can't comment on verification. Q. Well, this is you are receiving directly from Craig Schiavo who reports to you an SOM standard operating procedure. This is a formal document of the company, right? A. It's a flowchart. Q. Right. But it's a it's a it's a it's a formal procedure. This would end up in a standard operating procedure, right? New SOM procedures, correct? A. Correct. Q. This isn't this is a formal flowchart for approval, correct?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	telephone interviews from verifications, correct? A. At that point, I don't see it. Q. It's only after the questionnaire comes back and the order cannot be released that it goes to regulatory, where regulatory will review one or all of the following: Either send an additional questionnaire, or conduct a phone interview, or conduct a site visit, or review agencies, the DEA, the Board of Pharmacy, or the police. Do you see that? A. I see that. Q. So the investigation or the due diligence under this new SOM procedure in February of 2011, has all of the direct contact with the customer happening at the regulatory level, not at verifications, correct? A. I wouldn't say all of the

	Page 258		Page 260
1	the second box. And you know, before it	1	But I my recollection is that
2	gets to regulatory, they would have had	1	verifications had the licenses, as I
3	contact with the customer.	3	mentioned earlier. And they had the
4	Q. By letter, according to this	4	Board of Pharmacy's information on any
5	flowchart?	5	particular account. They maintained
6	A. Well, I think they would	6	those licenses and the registrations,
7	have they would have called, or they	7	So
8	could have they could have used any	8	Q. You are talking about a
9	means, including a letter.	9	verification of license, though.
10	Q. I understand what they could	10	This says, "Review agencies,
11	have done. I'm actually referring to the	11	DEA, Board of Pharmacy, and police."
12	formal procedure that's being	12	You agree there's more to
13	implemented, that's being shared with you	13	due diligence than just verifying a
14	by your staff.	14	license, correct?
15	Under this flowchart, the	15	A. Correct.
16	only references to phone calls or on-site	16	Q. So the Board of Pharmacy,
17	visits or doing an agency review like the	17	for example, has its own procedures and
18	police or the Board of Pharmacy or the	18	censures for pharmacists, correct?
19	DEA, is listed within the regulatory	19	A. Correct.
20	function, not the verifications function.	20	Q. And that's part of the
21		21	regulatory function for the regulatory
22	A. That's what the flowchart	22	affairs to look into things like
23	says, but		investigations initiated by the Board of
24	Q. Did did this get		Pharmacy against the doctor, correct?
	Page 259		Page 261
1	implemented in 2011?	1	
	=		A. Correct.
2	A. I don't recall.	2	Q. And regulatory would have
3	A. I don't recall.Q. At least according to this	2	Q. And regulatory would have that onus here in 2011, of following up
2 3 4	A. I don't recall. Q. At least according to this flowchart, your department was	3 4	Q. And regulatory would have that onus here in 2011, of following up with those agencies, at least according
2 3 4 5	A. I don't recall. Q. At least according to this flowchart, your department was responsible for doing a phone interview	2 3 4 5	Q. And regulatory would have that onus here in 2011, of following up with those agencies, at least according to this chart?
2 3 4 5 6	A. I don't recall. Q. At least according to this flowchart, your department was responsible for doing a phone interview or site visit or agency review, correct?	2 3 4 5 6	Q. And regulatory would have that onus here in 2011, of following up with those agencies, at least according to this chart? A. According to this chart.
2 3 4 5 6 7	A. I don't recall. Q. At least according to this flowchart, your department was responsible for doing a phone interview or site visit or agency review, correct? A. The regulatory department	2 3 4 5 6 7	Q. And regulatory would have that onus here in 2011, of following up with those agencies, at least according to this chart? A. According to this chart. Q. And so DEA, so if the DEA
2 3 4 5 6 7 8	A. I don't recall. Q. At least according to this flowchart, your department was responsible for doing a phone interview or site visit or agency review, correct? A. The regulatory department would be responsible for site visits, and	2 3 4 5 6 7 8	Q. And regulatory would have that onus here in 2011, of following up with those agencies, at least according to this chart? A. According to this chart. Q. And so DEA, so if the DEA have you ever had the experience where
2 3 4 5 6 7 8	A. I don't recall. Q. At least according to this flowchart, your department was responsible for doing a phone interview or site visit or agency review, correct? A. The regulatory department would be responsible for site visits, and they would start that with a phone	2 3 4 5 6 7 8	Q. And regulatory would have that onus here in 2011, of following up with those agencies, at least according to this chart? A. According to this chart. Q. And so DEA, so if the DEA have you ever had the experience where the DEA would call regulatory and say,
2 3 4 5 6 7 8 9	A. I don't recall. Q. At least according to this flowchart, your department was responsible for doing a phone interview or site visit or agency review, correct? A. The regulatory department would be responsible for site visits, and they would start that with a phone interview, calling the customer to	2 3 4 5 6 7 8 9	Q. And regulatory would have that onus here in 2011, of following up with those agencies, at least according to this chart? A. According to this chart. Q. And so DEA, so if the DEA have you ever had the experience where the DEA would call regulatory and say, "Listen, we've noticed some things in
2 3 4 5 6 7 8 9 10	A. I don't recall. Q. At least according to this flowchart, your department was responsible for doing a phone interview or site visit or agency review, correct? A. The regulatory department would be responsible for site visits, and they would start that with a phone interview, calling the customer to schedule and to start the process	2 3 4 5 6 7 8 9 10	Q. And regulatory would have that onus here in 2011, of following up with those agencies, at least according to this chart? A. According to this chart. Q. And so DEA, so if the DEA have you ever had the experience where the DEA would call regulatory and say, "Listen, we've noticed some things in the in the ARCOS data that are
2 3 4 5 6 7 8 9 10 11	A. I don't recall. Q. At least according to this flowchart, your department was responsible for doing a phone interview or site visit or agency review, correct? A. The regulatory department would be responsible for site visits, and they would start that with a phone interview, calling the customer to schedule and to start the process including a questionnaire.	2 3 4 5 6 7 8 9 10 11 12	Q. And regulatory would have that onus here in 2011, of following up with those agencies, at least according to this chart? A. According to this chart. Q. And so DEA, so if the DEA have you ever had the experience where the DEA would call regulatory and say, "Listen, we've noticed some things in the in the ARCOS data that are concerning to us. Can you share with us
2 3 4 5 6 7 8 9 10 11 12 13	A. I don't recall. Q. At least according to this flowchart, your department was responsible for doing a phone interview or site visit or agency review, correct? A. The regulatory department would be responsible for site visits, and they would start that with a phone interview, calling the customer to schedule and to start the process including a questionnaire. Q. What about the DEA, the DEA	2 3 4 5 6 7 8 9 10 11 12 13	Q. And regulatory would have that onus here in 2011, of following up with those agencies, at least according to this chart? A. According to this chart. Q. And so DEA, so if the DEA have you ever had the experience where the DEA would call regulatory and say, "Listen, we've noticed some things in the in the ARCOS data that are concerning to us. Can you share with us your transactional history or your supply
2 3 4 5 6 7 8 9 10 11 12 13 14	A. I don't recall. Q. At least according to this flowchart, your department was responsible for doing a phone interview or site visit or agency review, correct? A. The regulatory department would be responsible for site visits, and they would start that with a phone interview, calling the customer to schedule and to start the process including a questionnaire. Q. What about the DEA, the DEA review or calling the police to see if	2 3 4 5 6 7 8 9 10 11 12 13	Q. And regulatory would have that onus here in 2011, of following up with those agencies, at least according to this chart? A. According to this chart. Q. And so DEA, so if the DEA have you ever had the experience where the DEA would call regulatory and say, "Listen, we've noticed some things in the in the ARCOS data that are concerning to us. Can you share with us your transactional history or your supply history with a particular customer?"
2 3 3 4 5 6 6 7 8 8 9 10 11 12 13 14 15	A. I don't recall. Q. At least according to this flowchart, your department was responsible for doing a phone interview or site visit or agency review, correct? A. The regulatory department would be responsible for site visits, and they would start that with a phone interview, calling the customer to schedule and to start the process including a questionnaire. Q. What about the DEA, the DEA review or calling the police to see if there's a police action or charge or	2 3 4 5 6 7 8 9 10 11 12 13 14	Q. And regulatory would have that onus here in 2011, of following up with those agencies, at least according to this chart? A. According to this chart. Q. And so DEA, so if the DEA have you ever had the experience where the DEA would call regulatory and say, "Listen, we've noticed some things in the in the ARCOS data that are concerning to us. Can you share with us your transactional history or your supply history with a particular customer?" A. Yes.
2 3 3 4 4 5 6 7 8 8 9 10 11 12 13 14 15 16	A. I don't recall. Q. At least according to this flowchart, your department was responsible for doing a phone interview or site visit or agency review, correct? A. The regulatory department would be responsible for site visits, and they would start that with a phone interview, calling the customer to schedule and to start the process including a questionnaire. Q. What about the DEA, the DEA review or calling the police to see if there's a police action or charge or that's a regulatory function, not a	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. And regulatory would have that onus here in 2011, of following up with those agencies, at least according to this chart? A. According to this chart. Q. And so DEA, so if the DEA have you ever had the experience where the DEA would call regulatory and say, "Listen, we've noticed some things in the in the ARCOS data that are concerning to us. Can you share with us your transactional history or your supply history with a particular customer?" A. Yes. Q. Would that call come into
2 3 3 4 4 5 6 6 7 8 9 10 11 12 13 14 15 16 17	A. I don't recall. Q. At least according to this flowchart, your department was responsible for doing a phone interview or site visit or agency review, correct? A. The regulatory department would be responsible for site visits, and they would start that with a phone interview, calling the customer to schedule and to start the process including a questionnaire. Q. What about the DEA, the DEA review or calling the police to see if there's a police action or charge or that's a regulatory function, not a verifications function, under this	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. And regulatory would have that onus here in 2011, of following up with those agencies, at least according to this chart? A. According to this chart. Q. And so DEA, so if the DEA have you ever had the experience where the DEA would call regulatory and say, "Listen, we've noticed some things in the in the ARCOS data that are concerning to us. Can you share with us your transactional history or your supply history with a particular customer?" A. Yes. Q. Would that call come into your department?
2 3 3 4 5 6 7 8 8 9 10 11 12 13 14 15 16 17 18	A. I don't recall. Q. At least according to this flowchart, your department was responsible for doing a phone interview or site visit or agency review, correct? A. The regulatory department would be responsible for site visits, and they would start that with a phone interview, calling the customer to schedule and to start the process including a questionnaire. Q. What about the DEA, the DEA review or calling the police to see if there's a police action or charge or that's a regulatory function, not a verifications function, under this procedure, correct?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. And regulatory would have that onus here in 2011, of following up with those agencies, at least according to this chart? A. According to this chart. Q. And so DEA, so if the DEA have you ever had the experience where the DEA would call regulatory and say, "Listen, we've noticed some things in the in the ARCOS data that are concerning to us. Can you share with us your transactional history or your supply history with a particular customer?" A. Yes. Q. Would that call come into your department? MR. McDONALD: Object to the
2 3 3 4 4 5 6 7 8 9 100 111 12 13 14 15 16 17 18 19	A. I don't recall. Q. At least according to this flowchart, your department was responsible for doing a phone interview or site visit or agency review, correct? A. The regulatory department would be responsible for site visits, and they would start that with a phone interview, calling the customer to schedule and to start the process including a questionnaire. Q. What about the DEA, the DEA review or calling the police to see if there's a police action or charge or that's a regulatory function, not a verifications function, under this procedure, correct? MR. McDONALD: Object to the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. And regulatory would have that onus here in 2011, of following up with those agencies, at least according to this chart? A. According to this chart. Q. And so DEA, so if the DEA have you ever had the experience where the DEA would call regulatory and say, "Listen, we've noticed some things in the in the ARCOS data that are concerning to us. Can you share with us your transactional history or your supply history with a particular customer?" A. Yes. Q. Would that call come into your department? MR. McDONALD: Object to the form. Lack of foundation.
2 3 3 4 4 5 6 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. I don't recall. Q. At least according to this flowchart, your department was responsible for doing a phone interview or site visit or agency review, correct? A. The regulatory department would be responsible for site visits, and they would start that with a phone interview, calling the customer to schedule and to start the process including a questionnaire. Q. What about the DEA, the DEA review or calling the police to see if there's a police action or charge or that's a regulatory function, not a verifications function, under this procedure, correct? MR. McDONALD: Object to the form.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. And regulatory would have that onus here in 2011, of following up with those agencies, at least according to this chart? A. According to this chart. Q. And so DEA, so if the DEA have you ever had the experience where the DEA would call regulatory and say, "Listen, we've noticed some things in the in the ARCOS data that are concerning to us. Can you share with us your transactional history or your supply history with a particular customer?" A. Yes. Q. Would that call come into your department? MR. McDONALD: Object to the form. Lack of foundation. THE WITNESS: That call
2 3 3 4 4 5 6 6 7 8 8 9 10 11 12 13 14 15 166 17 18 19 20 21	A. I don't recall. Q. At least according to this flowchart, your department was responsible for doing a phone interview or site visit or agency review, correct? A. The regulatory department would be responsible for site visits, and they would start that with a phone interview, calling the customer to schedule and to start the process including a questionnaire. Q. What about the DEA, the DEA review or calling the police to see if there's a police action or charge or that's a regulatory function, not a verifications function, under this procedure, correct? MR. McDONALD: Object to the form. BY MR. MIGLIORI:	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. And regulatory would have that onus here in 2011, of following up with those agencies, at least according to this chart? A. According to this chart. Q. And so DEA, so if the DEA have you ever had the experience where the DEA would call regulatory and say, "Listen, we've noticed some things in the in the ARCOS data that are concerning to us. Can you share with us your transactional history or your supply history with a particular customer?" A. Yes. Q. Would that call come into your department? MR. McDONALD: Object to the form. Lack of foundation. THE WITNESS: That call would could come into the
2 3 3 4 4 5 6 6 7 8 8 9 100 111 122 133 144 155 166 177 188 199 200 211 222	A. I don't recall. Q. At least according to this flowchart, your department was responsible for doing a phone interview or site visit or agency review, correct? A. The regulatory department would be responsible for site visits, and they would start that with a phone interview, calling the customer to schedule and to start the process including a questionnaire. Q. What about the DEA, the DEA review or calling the police to see if there's a police action or charge or that's a regulatory function, not a verifications function, under this procedure, correct? MR. McDONALD: Object to the form. BY MR. MIGLIORI: Q. That's what it says here,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. And regulatory would have that onus here in 2011, of following up with those agencies, at least according to this chart? A. According to this chart. Q. And so DEA, so if the DEA have you ever had the experience where the DEA would call regulatory and say, "Listen, we've noticed some things in the in the ARCOS data that are concerning to us. Can you share with us your transactional history or your supply history with a particular customer?" A. Yes. Q. Would that call come into your department? MR. McDONALD: Object to the form. Lack of foundation. THE WITNESS: That call would could come into the regulatory department. It could
2 3 3 4 4 5 6 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. I don't recall. Q. At least according to this flowchart, your department was responsible for doing a phone interview or site visit or agency review, correct? A. The regulatory department would be responsible for site visits, and they would start that with a phone interview, calling the customer to schedule and to start the process including a questionnaire. Q. What about the DEA, the DEA review or calling the police to see if there's a police action or charge or that's a regulatory function, not a verifications function, under this procedure, correct? MR. McDONALD: Object to the form. BY MR. MIGLIORI: Q. That's what it says here, correct?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. And regulatory would have that onus here in 2011, of following up with those agencies, at least according to this chart? A. According to this chart. Q. And so DEA, so if the DEA have you ever had the experience where the DEA would call regulatory and say, "Listen, we've noticed some things in the in the ARCOS data that are concerning to us. Can you share with us your transactional history or your supply history with a particular customer?" A. Yes. Q. Would that call come into your department? MR. McDONALD: Object to the form. Lack of foundation. THE WITNESS: That call would could come into the regulatory department. It could also go into the verifications
2 3 3 4 4 5 6 6 7 8 8 9 100 111 122 133 144 155 166 177 188 199 200 211 222	A. I don't recall. Q. At least according to this flowchart, your department was responsible for doing a phone interview or site visit or agency review, correct? A. The regulatory department would be responsible for site visits, and they would start that with a phone interview, calling the customer to schedule and to start the process including a questionnaire. Q. What about the DEA, the DEA review or calling the police to see if there's a police action or charge or that's a regulatory function, not a verifications function, under this procedure, correct? MR. McDONALD: Object to the form. BY MR. MIGLIORI: Q. That's what it says here,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. And regulatory would have that onus here in 2011, of following up with those agencies, at least according to this chart? A. According to this chart. Q. And so DEA, so if the DEA have you ever had the experience where the DEA would call regulatory and say, "Listen, we've noticed some things in the in the ARCOS data that are concerning to us. Can you share with us your transactional history or your supply history with a particular customer?" A. Yes. Q. Would that call come into your department? MR. McDONALD: Object to the form. Lack of foundation. THE WITNESS: That call would could come into the regulatory department. It could

1			
T	Page 262		Page 264
	BY MR. MIGLIORI:	1	THE WITNESS: I don't
2	Q. If it comes into regulatory,	2	recall.
	is that something that you would put in	3	BY MR. MIGLIORI:
4	the customer's me some where, whether it	4	Q. Okay. But under this
5	be the due diligence file or some other	5	flowchart at least, to the extent the DEA
6	place in the system, in the JD Edwards		or the police or the Board of Pharmacy
7	system, "DEA contacted us about this		were investigating a doctor, it would be
8	doctor"?	8	the regulatory department's
9	MR. McDONALD: Object to the	9	responsibility to do that level of due
10	form. Lack of foundation.	10	diligence on a pended order, if it
11	THE WITNESS: I don't recall	11	escalated to this level, correct?
12	where it was entered. But we	12	A. Correct.
13	would respond to the DEA based on	13	Q. If at that level regulatory
14	their requests.	14	could not clear it, it would come to you,
15	BY MR. MIGLIORI:	15	correct?
16	Q. If the DEA said they had a	16	A. Correct.
17	concern about a doctor and the doctor	17	Q. So if Sergio or Tina
18	and they provided the DEA with the	18	Steffanie-Oak? Did I said that right?
19	requested materials, would Schein then	19	A. Tina Steffanie-Oak.
20	somehow note the file that this is a	20	Q. If one of them couldn't
21	doctor whose ongoing orders should be	21	clear it, they would bring it to your
22		22	attention, correct?
23	MR. McDONALD: Object to	23	A. Correct.
24	form. Lack of foundation.	24	Q. And then if you wouldn't
	Page 263		Page 265
1	THE WITNESS: If the DEA	1	approve it, then it was a suspicious
2	indicated that this was an account		order, and you cancel the order, you
3	that they had a problem with, they		probably cancel the customer too,
4	would have told us that.	4	correct?
5	If the DEA just wanted to	_	
6	<u> </u>	5	MIR MICHONALLY Object to the
	see records, which occasionally	6	MR. McDONALD: Object to the form
7	see records, which occasionally	6	form.
	happened, it was not you know,	6	form. BY MR. MIGLIORI:
7	happened, it was not you know, the DEA could have requested	6 7	form. BY MR. MIGLIORI: Q. That's what the flowchart
7 8	happened, it was not you know, the DEA could have requested any any particular account for	6 7 8	form. BY MR. MIGLIORI: Q. That's what the flowchart says, correct?
7 8 9 10	happened, it was not you know, the DEA could have requested any any particular account for any reason.	6 7 8 9	form. BY MR. MIGLIORI: Q. That's what the flowchart says, correct? A. The order is deemed
7 8 9	happened, it was not you know, the DEA could have requested any any particular account for any reason. BY MR. MIGLIORI:	6 7 8 9 10 11	form. BY MR. MIGLIORI: Q. That's what the flowchart says, correct? A. The order is deemed suspicious, and verification is notified
7 8 9 10 11 12	happened, it was not you know, the DEA could have requested any any particular account for any reason. BY MR. MIGLIORI: Q. If the DEA asked for certain	6 7 8 9 10 11 12	form. BY MR. MIGLIORI: Q. That's what the flowchart says, correct? A. The order is deemed suspicious, and verification is notified to cancel the order.
7 8 9 10 11 12	happened, it was not you know, the DEA could have requested any any particular account for any reason. BY MR. MIGLIORI: Q. If the DEA asked for certain records because they're concerned about	6 7 8 9 10 11 12	form. BY MR. MIGLIORI: Q. That's what the flowchart says, correct? A. The order is deemed suspicious, and verification is notified to cancel the order. Q. Okay. And then you would
7 8 9 10 11 12 13	happened, it was not you know, the DEA could have requested any any particular account for any reason. BY MR. MIGLIORI: Q. If the DEA asked for certain records because they're concerned about an account, and then that doctor put an	6 7 8 9 10 11 12 13	form. BY MR. MIGLIORI: Q. That's what the flowchart says, correct? A. The order is deemed suspicious, and verification is notified to cancel the order. Q. Okay. And then you would report this order, this pended order
7 8 9 10 11 12 13 14 15	happened, it was not you know, the DEA could have requested any any particular account for any reason. BY MR. MIGLIORI: Q. If the DEA asked for certain records because they're concerned about an account, and then that doctor put an order into Schein, would that show up in	6 7 8 9 10 11 12 13 14 15	form. BY MR. MIGLIORI: Q. That's what the flowchart says, correct? A. The order is deemed suspicious, and verification is notified to cancel the order. Q. Okay. And then you would report this order, this pended order would be reported, though, to the DEA at
7 8 9 10 11 12 13 14 15	happened, it was not you know, the DEA could have requested any any particular account for any reason. BY MR. MIGLIORI: Q. If the DEA asked for certain records because they're concerned about an account, and then that doctor put an order into Schein, would that show up in the Schein system?	6 7 8 9 10 11 12 13 14 15	form. BY MR. MIGLIORI: Q. That's what the flowchart says, correct? A. The order is deemed suspicious, and verification is notified to cancel the order. Q. Okay. And then you would report this order, this pended order would be reported, though, to the DEA at the moment it triggered, right?
7 8 9 10 11 12 13 14 15 16	happened, it was not you know, the DEA could have requested any any particular account for any reason. BY MR. MIGLIORI: Q. If the DEA asked for certain records because they're concerned about an account, and then that doctor put an order into Schein, would that show up in the Schein system? MR. McDONALD: Object to the	6 7 8 9 10 11 12 13 14 15 16 17	form. BY MR. MIGLIORI: Q. That's what the flowchart says, correct? A. The order is deemed suspicious, and verification is notified to cancel the order. Q. Okay. And then you would report this order, this pended order would be reported, though, to the DEA at the moment it triggered, right? MR. McDONALD: Object to the
7 8 9 10 11 12 13 14 15 16 17	happened, it was not you know, the DEA could have requested any any particular account for any reason. BY MR. MIGLIORI: Q. If the DEA asked for certain records because they're concerned about an account, and then that doctor put an order into Schein, would that show up in the Schein system? MR. McDONALD: Object to the form.	6 7 8 9 10 11 12 13 14 15 16 17	form. BY MR. MIGLIORI: Q. That's what the flowchart says, correct? A. The order is deemed suspicious, and verification is notified to cancel the order. Q. Okay. And then you would report this order, this pended order would be reported, though, to the DEA at the moment it triggered, right? MR. McDONALD: Object to the form.
7 8 9 10 11 12 13 14 15 16 17 18	happened, it was not you know, the DEA could have requested any any particular account for any reason. BY MR. MIGLIORI: Q. If the DEA asked for certain records because they're concerned about an account, and then that doctor put an order into Schein, would that show up in the Schein system? MR. McDONALD: Object to the form. BY MR. MIGLIORI:	6 7 8 9 10 11 12 13 14 15 16 17 18	form. BY MR. MIGLIORI: Q. That's what the flowchart says, correct? A. The order is deemed suspicious, and verification is notified to cancel the order. Q. Okay. And then you would report this order, this pended order would be reported, though, to the DEA at the moment it triggered, right? MR. McDONALD: Object to the form. MR. MIGLIORI: Strike that.
7 8 9 10 11 12 13 14 15 16 17 18 19 20	happened, it was not you know, the DEA could have requested any any particular account for any reason. BY MR. MIGLIORI: Q. If the DEA asked for certain records because they're concerned about an account, and then that doctor put an order into Schein, would that show up in the Schein system? MR. McDONALD: Object to the form. BY MR. MIGLIORI: Q. That the DEA has had an	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	form. BY MR. MIGLIORI: Q. That's what the flowchart says, correct? A. The order is deemed suspicious, and verification is notified to cancel the order. Q. Okay. And then you would report this order, this pended order would be reported, though, to the DEA at the moment it triggered, right? MR. McDONALD: Object to the form. MR. MIGLIORI: Strike that. BY MR. MIGLIORI:
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	happened, it was not you know, the DEA could have requested any any particular account for any reason. BY MR. MIGLIORI: Q. If the DEA asked for certain records because they're concerned about an account, and then that doctor put an order into Schein, would that show up in the Schein system? MR. McDONALD: Object to the form. BY MR. MIGLIORI: Q. That the DEA has had an inquiry on this account?	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	form. BY MR. MIGLIORI: Q. That's what the flowchart says, correct? A. The order is deemed suspicious, and verification is notified to cancel the order. Q. Okay. And then you would report this order, this pended order would be reported, though, to the DEA at the moment it triggered, right? MR. McDONALD: Object to the form. MR. MIGLIORI: Strike that. BY MR. MIGLIORI: Q. Once the shipment is placed
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	happened, it was not you know, the DEA could have requested any any particular account for any reason. BY MR. MIGLIORI: Q. If the DEA asked for certain records because they're concerned about an account, and then that doctor put an order into Schein, would that show up in the Schein system? MR. McDONALD: Object to the form. BY MR. MIGLIORI: Q. That the DEA has had an inquiry on this account? MR. McDONALD: Object to the	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	form. BY MR. MIGLIORI: Q. That's what the flowchart says, correct? A. The order is deemed suspicious, and verification is notified to cancel the order. Q. Okay. And then you would report this order, this pended order would be reported, though, to the DEA at the moment it triggered, right? MR. McDONALD: Object to the form. MR. MIGLIORI: Strike that. BY MR. MIGLIORI: Q. Once the shipment is placed on hold and pended, and suspicious orders
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	happened, it was not you know, the DEA could have requested any any particular account for any reason. BY MR. MIGLIORI: Q. If the DEA asked for certain records because they're concerned about an account, and then that doctor put an order into Schein, would that show up in the Schein system? MR. McDONALD: Object to the form. BY MR. MIGLIORI: Q. That the DEA has had an inquiry on this account?	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	form. BY MR. MIGLIORI: Q. That's what the flowchart says, correct? A. The order is deemed suspicious, and verification is notified to cancel the order. Q. Okay. And then you would report this order, this pended order would be reported, though, to the DEA at the moment it triggered, right? MR. McDONALD: Object to the form. MR. MIGLIORI: Strike that. BY MR. MIGLIORI: Q. Once the shipment is placed

	ighty confidential - Subject to		
	Page 266		Page 268
1	MR. McDONALD: I don't know,		immediately, correct?
2	Don.	2	MR. McDONALD: Object to the
3	BY MR. MIGLIORI:	3	form. Mischaracterizes the
4	Q. Or further down.	4	document.
5	MR. McDONALD: Don, you've	5	BY MR. MIGLIORI:
6	got something different than what	6	Q. Not not at the end of the
7	we're looking at.	7	month, correct?
8	THE WITNESS: Are you on	8	MR. McDONALD: Object to the
9	Page 1 or	9	form. Mischaracterizes the
10	MR. MIGLIORI: No, I'm on	10	document and the testimony. That
11	Page 2. That that's Page 3.	11	is not what the document said.
12	I'm on Page 2.	12	THE WITNESS: The order is
13	THE WITNESS: I only have	13	pended here. That doesn't mean
14	MR. McDONALD: This page.	14	it's suspicious. There's a whole
15	THE WITNESS: Okay.	15	review process here, we just went
16	BY MR. MIGLIORI:	16	through.
17	Q. I'm going back to the	17	BY MR. MIGLIORI:
18	beginning of the review process just for	18	Q. I'm going to let me give
19	a second.	19	you a hypothetical so we're not
20	A. Okay. Okay.	20	confusing.
21	Q. When does DEA get, under	21	If an order is a deviation
	this procedure, get notified of the		in size, it is a pended order in Henry
	order?		Schein's system, correct?
24	A. DEA would be notified, it	24	A. If it's a deviation in size.
	Page 267		Page 269
1	Page 267 says here, when the order is DEA and	1	Q. Yes?
	_	1 2	Q. Yes?
	says here, when the order is DEA and		Q. Yes?
2	says here, when the order is DEA and board of pharmacy are notified by	2 3	Q. Yes? A. Yes.
3	says here, when the order is DEA and board of pharmacy are notified by regulatory affairs.	3 4	Q. Yes?A. Yes.Q. An order that is a deviationin size, by definition under the CSA, is
3	says here, when the order is DEA and board of pharmacy are notified by regulatory affairs. Q. Where?	3 4	Q. Yes?A. Yes.Q. An order that is a deviation
2 3 4 5	says here, when the order is DEA and board of pharmacy are notified by regulatory affairs. Q. Where? A. This stuff here.	2 3 4 5	Q. Yes? A. Yes. Q. An order that is a deviation in size, by definition under the CSA, is suspicious, correct?
2 3 4 5	says here, when the order is DEA and board of pharmacy are notified by regulatory affairs. Q. Where? A. This stuff here. Q. So under this system, this,	2 3 4 5 6	Q. Yes? A. Yes. Q. An order that is a deviation in size, by definition under the CSA, is suspicious, correct? MR. McDONALD: Object to the
2 3 4 5 6 7	says here, when the order is DEA and board of pharmacy are notified by regulatory affairs. Q. Where? A. This stuff here. Q. So under this system, this, on the third page?	2 3 4 5 6 7	Q. Yes? A. Yes. Q. An order that is a deviation in size, by definition under the CSA, is suspicious, correct? MR. McDONALD: Object to the form.
2 3 4 5 6 7 8	says here, when the order is DEA and board of pharmacy are notified by regulatory affairs. Q. Where? A. This stuff here. Q. So under this system, this, on the third page? A. On this flowchart.	2 3 4 5 6 7 8	Q. Yes? A. Yes. Q. An order that is a deviation in size, by definition under the CSA, is suspicious, correct? MR. McDONALD: Object to the form. THE WITNESS: Not
2 3 4 5 6 7 8 9	says here, when the order is DEA and board of pharmacy are notified by regulatory affairs. Q. Where? A. This stuff here. Q. So under this system, this, on the third page? A. On this flowchart. Q. So in 2011, when an order	2 3 4 5 6 7 8	Q. Yes? A. Yes. Q. An order that is a deviation in size, by definition under the CSA, is suspicious, correct? MR. McDONALD: Object to the form. THE WITNESS: Not necessarily.
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2 3 4 4 5 6 6 7 8 9 10 11 12 13	says here, when the order is DEA and board of pharmacy are notified by regulatory affairs. Q. Where? A. This stuff here. Q. So under this system, this, on the third page? A. On this flowchart. Q. So in 2011, when an order I'll go back to Page 2 for a second. When an order is pended, because of a deviation in size, frequency or pattern,	2 3 4 5 6 7 8 9 10 11	Q. Yes? A. Yes. Q. An order that is a deviation in size, by definition under the CSA, is suspicious, correct? MR. McDONALD: Object to the form. THE WITNESS: Not necessarily. BY MR. MIGLIORI: Q. All right. Well, you actually had a document where you said exactly that, that we just referred to
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	says here, when the order is DEA and board of pharmacy are notified by regulatory affairs. Q. Where? A. This stuff here. Q. So under this system, this, on the third page? A. On this flowchart. Q. So in 2011, when an order I'll go back to Page 2 for a second. When an order is pended, because of a deviation in size, frequency or pattern, by this procedure the DEA isn't notified immediately as of February of 2011? A. The order is is pended here. It's not deemed to be suspicious.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. Yes? A. Yes. Q. An order that is a deviation in size, by definition under the CSA, is suspicious, correct? MR. McDONALD: Object to the form. THE WITNESS: Not necessarily. BY MR. MIGLIORI: Q. All right. Well, you actually had a document where you said exactly that, that we just referred to earlier. You're saying that a deviation in size is not a suspicious
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	says here, when the order is DEA and board of pharmacy are notified by regulatory affairs. Q. Where? A. This stuff here. Q. So under this system, this, on the third page? A. On this flowchart. Q. So in 2011, when an order I'll go back to Page 2 for a second. When an order is pended, because of a deviation in size, frequency or pattern, by this procedure the DEA isn't notified immediately as of February of 2011? A. The order is is pended here. It's not deemed to be suspicious. Q. All right. But what we saw in the early documents that a suspicious order is one that is a deviation in size,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Yes? A. Yes. Q. An order that is a deviation in size, by definition under the CSA, is suspicious, correct? MR. McDONALD: Object to the form. THE WITNESS: Not necessarily. BY MR. MIGLIORI: Q. All right. Well, you actually had a document where you said exactly that, that we just referred to earlier. You're saying that a deviation in size is not a suspicious order? A. Potential, potentially. Potential. It could be. That's the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	says here, when the order is DEA and board of pharmacy are notified by regulatory affairs. Q. Where? A. This stuff here. Q. So under this system, this, on the third page? A. On this flowchart. Q. So in 2011, when an order I'll go back to Page 2 for a second. When an order is pended, because of a deviation in size, frequency or pattern, by this procedure the DEA isn't notified immediately as of February of 2011? A. The order is is pended here. It's not deemed to be suspicious. Q. All right. But what we saw in the early documents that a suspicious order is one that is a deviation in size, frequency, and pattern.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Yes? A. Yes. Q. An order that is a deviation in size, by definition under the CSA, is suspicious, correct? MR. McDONALD: Object to the form. THE WITNESS: Not necessarily. BY MR. MIGLIORI: Q. All right. Well, you actually had a document where you said exactly that, that we just referred to earlier. You're saying that a deviation in size is not a suspicious order? A. Potential, potentially. Potential. It could be. That's the review process that we're doing here.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	says here, when the order is DEA and board of pharmacy are notified by regulatory affairs. Q. Where? A. This stuff here. Q. So under this system, this, on the third page? A. On this flowchart. Q. So in 2011, when an order I'll go back to Page 2 for a second. When an order is pended, because of a deviation in size, frequency or pattern, by this procedure the DEA isn't notified immediately as of February of 2011? A. The order is is pended here. It's not deemed to be suspicious. Q. All right. But what we saw in the early documents that a suspicious order is one that is a deviation in size, frequency, and pattern. A. Right. Q. And that once pended, it needs to be reported, as Buzzeo stated in	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. Yes? A. Yes. Q. An order that is a deviation in size, by definition under the CSA, is suspicious, correct? MR. McDONALD: Object to the form. THE WITNESS: Not necessarily. BY MR. MIGLIORI: Q. All right. Well, you actually had a document where you said exactly that, that we just referred to earlier. You're saying that a deviation in size is not a suspicious order? A. Potential, potentially. Potential. It could be. That's the review process that we're doing here. Q. So in Schein's system, in February of 2011, Schein is not reporting

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Page 270	Page 272
¹ upon discovery. Is that true? ² A We were reporting suspicious	71. Correct.
71. We were reporting suspicious	Q. A questionnante has been
orders. Our definition of a	³ created to get detailed information on
Our definition of a	4 all new accounts." 5 Does this refresh your
⁵ suspicious order, after the review is	Does uns terresir your
6 conducted and deemed to be suspicious,	⁶ recollection that in the spring of 2011,
7 that's when it was reported immediately.	⁷ a questionnaire had been created to get
8 Q. So this flowchart is	8 detailed information on new accounts?
9 accurate, that you would not have told	9 A. I don't know what this
DEA about this until you got to this last	document is. This is the first time I'm
step here of it being	11 seeing it. And
A. Deemed suspicious.	Q. If you don't know, just
Q deemed suspicious.	A. I don't know.
All right. And then it	MR. McDONALD: Tell him you
says, "Notes are placed in the system to	don't know, and we'll get out of
prevent future shipments of controlled	here a lot quicker than you
substances to this customer."	¹⁷ BY MR. MIGLIORI:
Where would that go, where	Q. A new field has been created
would that go into the system?	¹⁹ in Siebel. Is that the name of the
A. That's a verification	²⁰ system?
²¹ function. I don't know where they'd put	A. I don't know.
²² that.	Q. You never heard of Siebel?
Q. Would you know where to find	²³ A. No.
²⁴ it if you were asked to consult on a	Q. "That will prompt the sales
Page 271	Page 273
_	
Page 271 1 particular case? 2 A. No.	Page 273 1 representative opening an account to ask 2 if the practice intends on ordering
¹ particular case?	¹ representative opening an account to ask
 particular case? A. No. 	 representative opening an account to ask if the practice intends on ordering
 particular case? A. No. Q. Is it in JD Edwards? A. That's a verification 	 representative opening an account to ask if the practice intends on ordering control drugs." Are you familiar with that
 particular case? A. No. Q. Is it in JD Edwards? 	 representative opening an account to ask if the practice intends on ordering control drugs."
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1	onboarded daily?	1	A. I would have received this.
2	A. I don't recall.	2	Q. And the purpose of the
3	Q. And you don't recall if	3	letter is to remind controlled substance
4	verifications implementing this new	4	manufacturers and distributors of their
5	this new system, correct?	5	responsibility to inform DEA of
6	A. I don't recall this	6	suspicious orders in accordance with the
7	Q. It's called a proposal?	7	Controlled Substances Act. Do you recall
8	A. This proposal.	8	this letter?
9	Q. "The process will increase	9	A. I don't recall this specific
10	the number of pending orders if the	10	letter.
11	customer does not send the document back	11	Q. You'll see that it's Joseph
12	prior to the order being placed."	12	Rannazzisi again, the deputy assistant
13	Do you recall an increase in	13	administrator, office of diversion
14	pended orders as a result of a new	14	control. You don't you do not recall
15	process of sending out due diligence	15	this?
	letters for new customers?	16	A. I don't recall this
17	A. Order there was an	17	particular letter.
18	increase in pended orders.	18	Q. Okay. But this is something
19	Q. Yeah. Do you recall there	19	you would have received
20	- ·	20	A. I would have received I
21	A. I recall	21	would have received it.
22	Q put in place where pended	22	Q. Were you still there in
23	orders increased as a result?	23	October 15, 2012?
24	A. I vaguely recall that pended	24	A. 2012, October 15th. I had
	Page 275		Page 277
1	Page 275	1	Page 277
- 1	orders were increasing because of the		resigned. That was my last week,
2	orders were increasing because of the process changes generally.	2	resigned. That was my last week, actually. I think my last I'm not
3	orders were increasing because of the process changes generally. Q. As you sit here today, do	3	resigned. That was my last week, actually. I think my last I'm not sure. I might have left before the 15th.
3 4	orders were increasing because of the process changes generally. Q. As you sit here today, do you recall whether this actually this	2 3 4	resigned. That was my last week, actually. I think my last I'm not sure. I might have left before the 15th. It was right about that time. I don't
2 3 4 5	orders were increasing because of the process changes generally. Q. As you sit here today, do you recall whether this actually this proposal actually got implemented for new	2 3 4 5	resigned. That was my last week, actually. I think my last I'm not sure. I might have left before the 15th. It was right about that time. I don't remember the actual resignation date.
2 3 4 5	orders were increasing because of the process changes generally. Q. As you sit here today, do you recall whether this actually this proposal actually got implemented for new customers?	2 3 4 5 6	resigned. That was my last week, actually. I think my last I'm not sure. I might have left before the 15th. It was right about that time. I don't remember the actual resignation date. But it was I might have left by then,
2 3 4 5 6 7	orders were increasing because of the process changes generally. Q. As you sit here today, do you recall whether this actually this proposal actually got implemented for new customers? A. I'm not familiar with this	2 3 4 5 6 7	resigned. That was my last week, actually. I think my last I'm not sure. I might have left before the 15th. It was right about that time. I don't remember the actual resignation date. But it was I might have left by then, or it was my last week. Yeah, I gave
2 3 4 5 6 7 8	orders were increasing because of the process changes generally. Q. As you sit here today, do you recall whether this actually this proposal actually got implemented for new customers? A. I'm not familiar with this proposal. Sorry about that.	2 3 4 5 6 7 8	resigned. That was my last week, actually. I think my last I'm not sure. I might have left before the 15th. It was right about that time. I don't remember the actual resignation date. But it was I might have left by then, or it was my last week. Yeah, I gave three weeks' notice.
2 3 4 5 6 7	orders were increasing because of the process changes generally. Q. As you sit here today, do you recall whether this actually this proposal actually got implemented for new customers? A. I'm not familiar with this proposal. Sorry about that. Q. June of 2012, you haven't	2 3 4 5 6 7	resigned. That was my last week, actually. I think my last I'm not sure. I might have left before the 15th. It was right about that time. I don't remember the actual resignation date. But it was I might have left by then, or it was my last week. Yeah, I gave three weeks' notice. Q. Do you recall learning about
2 3 4 5 6 7 8	orders were increasing because of the process changes generally. Q. As you sit here today, do you recall whether this actually this proposal actually got implemented for new customers? A. I'm not familiar with this proposal. Sorry about that. Q. June of 2012, you haven't left you haven't left Schein yet,	2 3 4 5 6 7 8 9	resigned. That was my last week, actually. I think my last I'm not sure. I might have left before the 15th. It was right about that time. I don't remember the actual resignation date. But it was I might have left by then, or it was my last week. Yeah, I gave three weeks' notice. Q. Do you recall learning about a doctor in California that was linked to
2 3 4 5 6 7 8 9	orders were increasing because of the process changes generally. Q. As you sit here today, do you recall whether this actually this proposal actually got implemented for new customers? A. I'm not familiar with this proposal. Sorry about that. Q. June of 2012, you haven't left you haven't left Schein yet, correct?	2 3 4 5 6 7 8 9 10	resigned. That was my last week, actually. I think my last I'm not sure. I might have left before the 15th. It was right about that time. I don't remember the actual resignation date. But it was I might have left by then, or it was my last week. Yeah, I gave three weeks' notice. Q. Do you recall learning about a doctor in California that was linked to drug-related deaths that was receiving a
2 3 4 5 6 7 8 9 10	orders were increasing because of the process changes generally. Q. As you sit here today, do you recall whether this actually this proposal actually got implemented for new customers? A. I'm not familiar with this proposal. Sorry about that. Q. June of 2012, you haven't left you haven't left Schein yet, correct? A. That's correct.	2 3 4 5 6 7 8 9 10 11 12	resigned. That was my last week, actually. I think my last I'm not sure. I might have left before the 15th. It was right about that time. I don't remember the actual resignation date. But it was I might have left by then, or it was my last week. Yeah, I gave three weeks' notice. Q. Do you recall learning about a doctor in California that was linked to drug-related deaths that was receiving a supply of controlled substances from
2 3 4 5 6 7 8 9 10 11 12	orders were increasing because of the process changes generally. Q. As you sit here today, do you recall whether this actually this proposal actually got implemented for new customers? A. I'm not familiar with this proposal. Sorry about that. Q. June of 2012, you haven't left you haven't left Schein yet, correct? A. That's correct. Q. You left in September?	2 3 4 5 6 7 8 9 10 11 12	resigned. That was my last week, actually. I think my last I'm not sure. I might have left before the 15th. It was right about that time. I don't remember the actual resignation date. But it was I might have left by then, or it was my last week. Yeah, I gave three weeks' notice. Q. Do you recall learning about a doctor in California that was linked to drug-related deaths that was receiving a supply of controlled substances from Henry Schein in January of 2012?
2 3 4 5 6 7 8 9 10 11 12 13	orders were increasing because of the process changes generally. Q. As you sit here today, do you recall whether this actually this proposal actually got implemented for new customers? A. I'm not familiar with this proposal. Sorry about that. Q. June of 2012, you haven't left you haven't left Schein yet, correct? A. That's correct. Q. You left in September? A. October.	2 3 4 5 6 7 8 9 10 11 12 13	resigned. That was my last week, actually. I think my last I'm not sure. I might have left before the 15th. It was right about that time. I don't remember the actual resignation date. But it was I might have left by then, or it was my last week. Yeah, I gave three weeks' notice. Q. Do you recall learning about a doctor in California that was linked to drug-related deaths that was receiving a supply of controlled substances from Henry Schein in January of 2012? A. Doctor related to controlled
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2 3 4 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	orders were increasing because of the process changes generally. Q. As you sit here today, do you recall whether this actually this proposal actually got implemented for new customers? A. I'm not familiar with this proposal. Sorry about that. Q. June of 2012, you haven't left you haven't left Schein yet, correct? A. That's correct. Q. You left in September? A. October. (Document marked for identification as Exhibit Schein-DiBello-25.) BY MR. MIGLIORI: Q. Henry Schein produced to us a June 12, 2012, letter from Joe Rannazzisi. Would this be a letter that	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	resigned. That was my last week, actually. I think my last I'm not sure. I might have left before the 15th. It was right about that time. I don't remember the actual resignation date. But it was I might have left by then, or it was my last week. Yeah, I gave three weeks' notice. Q. Do you recall learning about a doctor in California that was linked to drug-related deaths that was receiving a supply of controlled substances from Henry Schein in January of 2012? A. Doctor related to controlled substances death in California. Q. Yeah. Being forwarded a news article by your staff about doctor-related opioid-related deaths of one of your customers. (Document marked for identification as Exhibit Schein-DiBello-26.)

Page 278 Page 280 ¹ page. It's entitled, "California doctor ¹ final result of this review was. I don't ² linked to drug deaths arrested for ² remember this specific case. ³ trafficking commonly abused painkillers." Q. As you sit here today, you The copyright is 2012. The don't remember this at all? ⁵ e-mail is forwarding it, if you go to the A. I don't remember this ⁶ second page, start on January 6th of particular doctor. ⁷ 2012. Randy Stader, and eventually it Q. You would agree with me that 8 gets sent up to you as it's being ⁸ if the account pended four times, that under that flowchart at the very least, a ⁹ forwarded. questionnaire, justification letter 10 Do you recall this? should have gone out to the doctor? A. Not specifically. 11 12 Q. On the first page, Craig A. I would have to take a look 13 Schiavo is writing to Sergio and to you 13 at the policy, the procedure we have in ¹⁴ saying -- well, regarding this article, place at that time. And I would have to look at the file that Craig was putting ¹⁵ "FYI, we have a good amount of sales to 16 this doctor," on January 9, 2012. And together. ¹⁷ your response to that, can you read that, 17 Q. If you look at the flowchart ¹⁸ Monday, January 9th of 2012, starting that I just went through with you, you 19 with, "Why didn't"? would agree with me that if the account pended, short of somebody in 20 A. "Why didn't a questionnaire 21 go out? Did the orders pend? Who verifications unilaterally releasing it, ²² reviewed/released? How far over the next step would be to get a justification letter, correct? ²³ threshold? Did they get a just letter? 24 Thanks." 24 MR. McDONALD: Object. Page 279 Page 281 ¹ BY MR. MIGLIORI: Q. What is a just letter? A. I would say that's a Q. That's the procedure in ³ justification letter, short for 3 place? 4 justification. MR. McDONALD: Object to 5 So that's the due diligence 5 form. That's an improper Q. 6 letter? 6 hypothetical. That flowchart, are 7 7 you representing that that We called it a justification Α. ⁸ letter. 8 flowchart was in place at the time 9 9 that the orders were made? Q. But --10 10 A. Part of the due diligence MR. MIGLIORI: You can read 11 process. the e-mail. You don't need to 12 Q. Okay. And so the response testify either. But the e-mail on 13 to your e-mail was, "Mike, I followed up 13 top talks about the new procedure. ¹⁴ with Shaun on this, and he's putting all 14 It's called the new procedure. 15 ¹⁵ the information together and will send it MR. McDONALD: Object to the 16 to me today. He did tell me, though, 16 form. Improper hypothetical. 17 ¹⁷ that the account did pend four times. We Assumes facts not in evidence. 18 never requested a questionnaire or 18 BY MR. MIGLIORI: ¹⁹ justification letter. Once I receive 19 Q. If you look at the procedure ²⁰ everything I will send you the that was sent to you from Sergio Tejeda ²¹ information." that predates this, you would agree with 22 me that the first step of the pended Do you recall finding out orders that are referenced here -- and ²³ about this? 24 ²⁴ this pended four times. The first step A. I don't recall what the

Page 282	y Review
	Page 284
¹ in the flowchart would be from somebody ¹ particular case between	
² from verifications looking at the order	
³ and going to the website, the Google, the ³ BY MR. MIGLIORI:	
⁴ DEA website, licensure, et cetera. That Q. Okay. But my question	
⁵ would be the first step of a review for a ⁵ you was, assuming that that states	
6 pended order, correct? 6 correct, that would have been a vi	
7 MR. McDONALD: Same 7 of your standard operating proceed	lure to
8 objections. 8 not send justification letters out to	O
⁹ THE WITNESS: Correct. ⁹ this doctor with four pended orde	ers,
¹⁰ According to the procedure. ¹⁰ correct?	
11 BY MR. MIGLIORI: 11 MR. McDONALD: Sam	ie
Q. And short of them clearing, 12 objections.	
¹³ somebody in verifications clearing based ¹³ THE WITNESS: A viola	ation of
14 on that level of review, the next step 14 this procedure?	
¹⁵ for the doctor in a pended order would be ¹⁵ BY MR. MIGLIORI:	
¹⁶ for the doctor to get a justification	ıs
17 letter, correct? You can look at the 17 we just went through, was to get a	a
¹⁸ document if you'd like.	
A. Can I see the document 19 order is go review the licensure a	
20 again? 20 websites, and if not cleared, send	out a
Q. Sure. It's right in front 21 justification letter for the custome	er to
22 of you. It's the last exhibit, or 22 fill out, correct?	
23 second-to-last exhibit. 23 A. There could have been	
A. Okay. 24 another way of clearing it through	h
Page 283 Page 285	
Q. The next step is a 1 communication	1 age 203
² justification letter being sent out to ² Q. Understood.	
3 the doctor, correct, from verifications? 3 A with verification. And	d
4 A. Verification, that's what 4 the doctor which I can't I can	
5 the procedure says, would send 5 comment on. That was a verifica	
6 justification letter. 6 function.	
7 Q. Okay. So as Craig is 7 Q. I'm asking you based on	the
8 relating to you that this account had 8 procedure that's in front of you, the	
9 four pended orders, but we never 9 pended orders should have receiv	
10 requested a questionnaire or 10 justification letters, correct?	Cu
11 justification letter. If that's a true 12 justification letter is a true 13 justification letter in the state in the st	ect to the
12 statement, you would agree with me that 12 form. 12 form.	et to the
that's a violation of your own standard 13 THE WITNESS: That's	what
14 operating procedure for due diligence for 14 the procedure says.	wiiat
1== ODCIALITY DIOCECLUIC TOLUIC UHIYCHCE TOL 1== HIC DIOCECLUIC SAVS.	
	•
15 this customer, correct? 15 BY MR. MIGLIORI:	nd on
15 this customer, correct? 16 MR. McDONALD: Objection to 15 BY MR. MIGLIORI: 16 Q. Okay. And at least base	
15 this customer, correct? 16 MR. McDONALD: Objection to 17 form. Improper hypothetical. 15 BY MR. MIGLIORI: 16 Q. Okay. And at least base 17 the e-mail that's in front of you right.	ght
15 this customer, correct? 16 MR. McDONALD: Objection to 17 form. Improper hypothetical. 18 THE WITNESS: I don't know 15 BY MR. MIGLIORI: 16 Q. Okay. And at least base 17 the e-mail that's in front of you right 18 now, that didn't happen for the fo	ght
15 this customer, correct? 16 MR. McDONALD: Objection to 17 form. Improper hypothetical. 18 THE WITNESS: I don't know 19 what the final analysis in this 15 BY MR. MIGLIORI: 16 Q. Okay. And at least base 17 the e-mail that's in front of you ri 18 now, that didn't happen for the fo	ght
15 this customer, correct? 16 MR. McDONALD: Objection to 17 form. Improper hypothetical. 18 THE WITNESS: I don't know 19 what the final analysis in this 20 particular case was. 15 BY MR. MIGLIORI: 16 Q. Okay. And at least base 17 the e-mail that's in front of you right 18 now, that didn't happen for the formulation pended orders, correct? 20 A. I don't recall the final	ght ur
15 this customer, correct? 16 MR. McDONALD: Objection to 17 form. Improper hypothetical. 18 THE WITNESS: I don't know 19 what the final analysis in this 20 particular case was. 21 Craig says, "Once I review 15 BY MR. MIGLIORI: 16 Q. Okay. And at least base 17 the e-mail that's in front of you ri 18 now, that didn't happen for the for 19 pended orders, correct? 20 A. I don't recall the final 21 analysis when Craig put everything	ght ur ng
15 this customer, correct? 16 MR. McDONALD: Objection to 17 form. Improper hypothetical. 18 THE WITNESS: I don't know 19 what the final analysis in this 20 particular case was. 21 Craig says, "Once I review 22 everything, I will send you the 25 BY MR. MIGLIORI: 16 Q. Okay. And at least base 17 the e-mail that's in front of you right 18 now, that didn't happen for the form 19 pended orders, correct? 20 A. I don't recall the final 21 analysis when Craig put everything 22 together. Maybe at that time they	ght ur ng ⁄ didn't
15 this customer, correct? 16 MR. McDONALD: Objection to 17 form. Improper hypothetical. 18 THE WITNESS: I don't know 19 what the final analysis in this 20 particular case was. 21 Craig says, "Once I review 15 BY MR. MIGLIORI: 16 Q. Okay. And at least base 17 the e-mail that's in front of you ri 18 now, that didn't happen for the for 19 pended orders, correct? 20 A. I don't recall the final 21 analysis when Craig put everything	ght ur ng ⁄ didn't

	Dana 206		Dama 200
	Page 286	1	Page 288
1	Q. All right. I'll show you	1	Q. Is there anything in your
2	another follow-up on it. It's	1	history as director of regulatory affairs
3	Exhibit 27.	1	that would say that a listing of a family
4	(Document marked for		medical clinic is a justified override of
5	identification as Exhibit	5	a pended order?
6	Schein-DiBello-27.)	6	A. I don't recall.
7	BY MR. MIGLIORI:	'/	Q. "The account is also coded
8	Q. Here's some more detail.	8	as a multi-special private practice."
9	Jim Mullins writes to others. You're not	9	Is there anything about
- 1	included in this one. Jim Mullins says	10	coding the account as a multi-special
	Shaun Abreu who is at this point head	11	private practice that allows for
12	of verifications, correct. 2012?		verifications at the first level to
13	A. I'm not sure of his title.	13	release a pended order?
14	He was the head of verifications. I	14	A. Well, accounts were
15	don't recall when he became the	15	categorized based on their practice
16	supervisor of that group. I'm not sure	16	types. That was all part of the the
	of his title.	17	review process.
18	Q. He was at one point	18	Q. My question is, was there
19	supervisor of verifications, right?	19	anything about that categorization that
20	A. At one point, I believe he	20	should have had somebody at the first
21	or Lisa Madeline, I think, were. I'm not	21	level of verifications release four
22	sure which one is the actual supervisor.	22	pended orders over a course of six
23	Q. Well, Lisa is also copied		months?
24	here.	24	A. I don't
	D 207		D 400
	Page 7X /	1	Page 289
1	Page 287	1	Page 289 MP. McDONALD: Hang on
1 2	A. Okay.	1 2	MR. McDONALD: Hang on.
2	A. Okay.Q. And Shaun writes to	2	MR. McDONALD: Hang on. Object to object to the form.
2 3	A. Okay. Q. And Shaun writes to others and you'd agree with me that a	2	MR. McDONALD: Hang on. Object to object to the form. Lack of foundation.
2 3 4	A. Okay. Q. And Shaun writes to others and you'd agree with me that a justification letter is sent out in the	2 3 4	MR. McDONALD: Hang on. Object to object to the form. Lack of foundation. THE WITNESS: I don't know.
2 3 4 5	A. Okay. Q. And Shaun writes to others and you'd agree with me that a justification letter is sent out in the verifications department, not a	2 3 4 5	MR. McDONALD: Hang on. Object to object to the form. Lack of foundation. THE WITNESS: I don't know. BY MR. MIGLIORI:
2 3 4 5 6	A. Okay. Q. And Shaun writes to others and you'd agree with me that a justification letter is sent out in the verifications department, not a regulatory, correct?	2 3 4 5 6	MR. McDONALD: Hang on. Object to object to the form. Lack of foundation. THE WITNESS: I don't know. BY MR. MIGLIORI: Q. You don't know.
2 3 4 5 6 7	A. Okay. Q. And Shaun writes to others and you'd agree with me that a justification letter is sent out in the verifications department, not a regulatory, correct? A. Verifications department	2 3 4 5 6 7	MR. McDONALD: Hang on. Object to object to the form. Lack of foundation. THE WITNESS: I don't know. BY MR. MIGLIORI: Q. You don't know. If you go a little further
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Okay. Q. And Shaun writes to others and you'd agree with me that a justification letter is sent out in the verifications department, not a regulatory, correct? A. Verifications department sends justification letter. Q. Right? A. Right. Q. And Shaun writes and says, "Jim, of the 14 orders that were placed, four of them pended. We pended orders on August 25, 2010; November 19, 2010; January 7, 2011; and January 31, 2011. "I agree it does appear to be a high volume, and the account was listed as a family medical clinic, which	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	MR. McDONALD: Hang on. Object to object to the form. Lack of foundation. THE WITNESS: I don't know. BY MR. MIGLIORI: Q. You don't know. If you go a little further down. Jim writes to Shaun and says, "Shaun, did orders pend? Looks like a lot in a short period of time?" And then prior to that, Shaun wrote and said, "I ran the ORD881." What does that mean? Do you know? A. I think that was a report on the account. Q. He ran it from January 6th of 2007 to January 6th of 2012. "And it
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Okay. Q. And Shaun writes to others and you'd agree with me that a justification letter is sent out in the verifications department, not a regulatory, correct? A. Verifications department sends justification letter. Q. Right? A. Right. Q. And Shaun writes and says, "Jim, of the 14 orders that were placed, four of them pended. We pended orders on August 25, 2010; November 19, 2010; January 7, 2011; and January 31, 2011. "I agree it does appear to be a high volume, and the account was listed as a family medical clinic, which may have caused more orders to be	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR. McDONALD: Hang on. Object to object to the form. Lack of foundation. THE WITNESS: I don't know. BY MR. MIGLIORI: Q. You don't know. If you go a little further down. Jim writes to Shaun and says, "Shaun, did orders pend? Looks like a lot in a short period of time?" And then prior to that, Shaun wrote and said, "I ran the ORD881." What does that mean? Do you know? A. I think that was a report on the account. Q. He ran it from January 6th of 2007 to January 6th of 2012. "And it looks like he only purchased controlled
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Okay. Q. And Shaun writes to others and you'd agree with me that a justification letter is sent out in the verifications department, not a regulatory, correct? A. Verifications department sends justification letter. Q. Right? A. Right. Q. And Shaun writes and says, "Jim, of the 14 orders that were placed, four of them pended. We pended orders on August 25, 2010; November 19, 2010; January 7, 2011; and January 31, 2011. "I agree it does appear to be a high volume, and the account was listed as a family medical clinic, which may have caused more orders to be released." Why would being listed as a family medical clinic override four	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MR. McDONALD: Hang on. Object to object to the form. Lack of foundation. THE WITNESS: I don't know. BY MR. MIGLIORI: Q. You don't know. If you go a little further down. Jim writes to Shaun and says, "Shaun, did orders pend? Looks like a lot in a short period of time?" And then prior to that, Shaun wrote and said, "I ran the ORD881." What does that mean? Do you know? A. I think that was a report on the account. Q. He ran it from January 6th of 2007 to January 6th of 2012. "And it looks like he only purchased controlled substances from us for a short period starting in July of 2010 to January of 2011. Attached is the report. We don't

	Page 290		Page 292
1	Would you agree with me that	1	that doctor that you think would have
2	that's not consistent with the new	2	exempted him from the due diligence
3	customer recommendations of Cegedim?	3	requirements of having a questionnaire in
4	MR. McDONALD: Object to the	4	the file?
5	form.	5	MR. McDONALD: Object to the
6	BY MR. MIGLIORI:	6	form.
7	Q. To have a new customer	7	THE WITNESS: This was a
8	without a questionnaire on the file?	8	verification process. I can't
9	MR. McDONALD: Object to the	9	comment on their review of this
10	form.	10	Dr. Diaz.
11	THE WITNESS: I can't	11	BY MR. MIGLIORI:
12	comment on the verification	12	Q. You would agree that if that
13	function without seeing the the	13	escalated to you as director of
14	file.	14	regulatory affairs, you would hope to,
15	BY MR. MIGLIORI:	15	and expect to see at least a customer
16	Q. Would you agree that by	16	questionnaire in your file, correct?
17	2012, your last year as director of	17	MR. McDONALD: Object to the
18	regulatory affairs, that if there is no	18	form. Improper hypothetical.
19	questionnaire in a customer file, whether	19	THE WITNESS: I would expect
20	it be as a new client questionnaire, or	20	to see documentation that
21	an ongoing questionnaire, that that is	21	satisfied the verification review
22	not consistent with your standard	22	process.
	operation operating procedures for due	23	BY MR. MIGLIORI:
	diligence; every customer should have a	24	Q. Including the customer
	Page 291		Page 293
1	Page 291	1	Page 293
1 2	questionnaire in their file, correct?	1	questionnaire, correct?
1 2 3	questionnaire in their file, correct? MR. McDONALD: Object to the	1 2 3	questionnaire, correct? MR. McDONALD: Object to the
2	questionnaire in their file, correct? MR. McDONALD: Object to the form.	2	questionnaire, correct? MR. McDONALD: Object to the form.
3	questionnaire in their file, correct? MR. McDONALD: Object to the form. THE WITNESS: That's the	3	questionnaire, correct? MR. McDONALD: Object to the form. Object to the form.
2 3 4 5	questionnaire in their file, correct? MR. McDONALD: Object to the form. THE WITNESS: That's the general rule. There may have been	2 3 4 5	questionnaire, correct? MR. McDONALD: Object to the form. Object to the form. THE WITNESS: That's one way
2 3 4	questionnaire in their file, correct? MR. McDONALD: Object to the form. THE WITNESS: That's the general rule. There may have been an exception for this particular	2 3 4	questionnaire, correct? MR. McDONALD: Object to the form. Object to the form. THE WITNESS: That's one way of documenting their review of
2 3 4 5 6	questionnaire in their file, correct? MR. McDONALD: Object to the form. THE WITNESS: That's the general rule. There may have been an exception for this particular account, for this particular	2 3 4 5 6 7	questionnaire, correct? MR. McDONALD: Object to the form. Object to the form. THE WITNESS: That's one way of documenting their review of this account.
2 3 4 5 6 7 8	questionnaire in their file, correct? MR. McDONALD: Object to the form. THE WITNESS: That's the general rule. There may have been an exception for this particular account, for this particular situation. Not everything is	2 3 4 5 6 7 8	questionnaire, correct? MR. McDONALD: Object to the form. Object to the form. THE WITNESS: That's one way of documenting their review of this account. BY MR. MIGLIORI:
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$\mathbf{D}_{0} \sim 204$	
Page 294	Page 296
¹ Tina Steffanie-Oak, right? She worked	THE WITNESS: This is the
² for you or she worked for Sergio	first time I'm seeing this. I'm
³ Tejeda under you while you were director	not familiar with this report, so
⁴ of regulatory affairs, correct?	⁴ I it's a large number. I
⁵ A. Correct.	⁵ agree.
6 Q. And she has a PowerPoint	6 MR. MIGLIORI: Why don't we
⁷ presentation here that was produced to us	take a break and I'll look at what
8 entitled, "Individual Opportunity/Issue,"	8 I got and we'll wrap up.
⁹ presented by Tina Steffanie-Oak, where	⁹ THE VIDEOGRAPHER: Stand by
she puts on the first line, "Are we in	please. The time is 4:44 p.m.
substantial compliance with the DEA's	Off the record.
suspicious order monitoring 'know your	(Short break.)
13 customer' regulations?"	THE VIDEOGRAPHER: We are
And she puts in the first	back on the record. The time is
bullet point, "We do not have 'know your	15 4:54 p.m.
16 customer' due diligence for approximately	16 BY MR. MIGLIORI:
17 60 percent of our customers. Remaining	Q. Who is Stanley Bergman?
18 40 percent has varying degrees of due	A. Who is Stan Bergman?
¹⁹ diligence. Files are inconsistent."	Q. Yeah.
Were you aware that as of	A. He is the chairman and COO
21 the time that you left Henry Schein, that	21 of Henry Schein.
60 percent of the customers that you were	Q. Okay. And that was his
23 servicing did not have due diligence in	position in 2008?
24 their files?	A. That was his position.
Page 295	Page 297
¹ A. No.	¹ Q. Was that his position in
² MR. McDONALD: Object to the	2 2008?
³ form.	³ A. Yes.
⁴ BY MR. MIGLIORI:	4 (Document marked for
⁵ Q. Were you aware that of the	⁵ identification as Exhibit
⁶ 40 percent that had some due diligence,	⁶ Schein-DiBello-29.)
7 46 64 14 2000 2000 100 1 1 1 1 1 1 1 1 1 1 1 1 1	,
⁷ that it was varying degrees of due	⁷ BY MR. MIGLIORI:
that it was varying degrees of due 8 diligence, and they were not consistent	,
, , ,	⁷ BY MR. MIGLIORI:
⁸ diligence, and they were not consistent	 BY MR. MIGLIORI: Q. Exhibit 29. This is a news
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Page 298 1 Do you recall this news ¹ Dr. Cosby. Henry Schein and Darby were ² not the target of the investigation and article? ³ the information requested was provided in A. I don't recall this specific ⁴ a complete and timely manner. Our ⁴ news article. Q. It says, "While Cosby was ⁵ verifications protocol did confirm that ⁶ listed in good standing on the the doctor did indeed have a valid state ⁷ Pennsylvania Department state website, ⁷ license and DEA registration and was not ⁸ DEA discovered that Cosby was given one ordering excessive quantities. Doctor's ⁹ year probation in 1976 on 45 counts of account has been restricted to block 10 issuing a narcotic prescription to drug pharma and controlled substances 11 dependent persons and six counts of 11 shipments." 12 ¹² dispensing narcotic prescriptions to a You'll agree with me that ¹³ drug dependent person, according to the just verifying that having a valid state 14 criminal complaint." license and DEA registration and not triggering an excessive order is not in You'll agree with me that and of itself due diligence or complete ¹⁶ somebody that maintains an active good standing license, does not necessarily in due diligence with respect to this and of itself show that the person should customer, correct? 19 ¹⁹ be somebody that should be receiving MR. McDONALD: Object to the controlled substances, correct? 20 form. 21 MR. McDONALD: Object to the 21 THE WITNESS: Generally 22 22 speaking, that's correct. form. 23 BY MR. MIGLIORI: THE WITNESS: It's a broad 23 24 Q. Okay. And as a result of -statement. In general, I agree.

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¹ BY MR. MIGLIORI:

Q. In a robust due diligence ³ system, would you agree that you would ⁴ want to at least know at Henry Schein of

⁵ the 45 counts of narcotic prescription

⁶ dispensing and the six counts of

⁷ dispensing narcotic prescriptions to drug

⁸ dependent people, at least in the due

⁹ diligence process, you'd want to know ¹⁰ about those prior probation convictions?

A. Correct.

11

15

16

Q. And that's something that 13 should be part of a good onboarding of a new customer process?

Should be.

Q. This was escalated to you where Len wrote to you, after receiving ¹⁸ it from Stan Bergman, and he wrote, "Knew ¹⁹ this would trigger SB's inquiry. Ideas

²⁰ regarding response?"

21 And your response on ²² October 1st, 2008, was, "Regulatory and ²³ verifications were both involved with DEA ²⁴ Agent Jackson during investigation of

even though this doctor had a valid

² license, even though this doctor had a

³ valid DEA registration, and even though

⁴ the system did not trip an excessive

⁵ order in the system, you did go ahead and

⁶ suspend and cancel this order, this

doctor's ability to order controlled

substances from Henry Schein as a result

of this news article, correct?

A. We restricted the account. The doctor's account has been restricted

to block pharmaceuticals and controlled

substances.

10

Q. You say, "Although we have sophisticated and comprehensive ¹⁶ suspicious order monitoring

systems/procedures, it is extremely

difficult, if not impossible, to identify and police practitioners who maintain

²⁰ valid state and federal licenses and

²¹ decide to dispense controlled substances

²² to drug-dependent patients."

And that's an -- that's an ²⁴ understatement of your obligation at

	o Further Confidentiality Review
Page 302	Page 304
¹ Henry Schein to know your customer, isn't	¹ November 18, 2011, and it involves
2 it?	² Melodie Steele. Who is she?
³ MR. McDONALD: Object to the	³ A. Melodie Steele was an
4 form.	⁴ operations manager at the Indianapolis
5 THE WITNESS: I don't	⁵ facility.
⁶ remember this particular doctor.	6 Q. Okay. She writes to you and
Again, I would need to look at the	⁷ to Sergio and says, November 18, 2011,
8 file that would have information	8 "The Iowa Board of Pharmacy found
9 regarding the drug-dependent	⁹ probable cause to file charges against
patients and the doctor's	Henry Schein for supplying C-II morphine
interaction with his patients and	11 to Des Moines University who was without
what we did at the time. I don't	¹² a valid controlled registration. Notice
recall.	to appear in January of 2012."
¹⁴ BY MR. MIGLIORI:	Do you recall this
Q. Okay. Certainly it was	happening?
within regulatory at least in the	A. I don't recall this
later schematic of the procedure for due	¹⁷ specific.
diligence, it certainly would have been	Q. Would you have been the
in regulatory's realm, the regulatory	person who appeared before the board of
²⁰ affairs department, to do the kind of due	pharmacy if you received this kind of
²¹ diligence to check with DEA, Boards of	21 notice?
Pharmacy and police to see whether or not	A. I did not appear. I
23 this kind of doctor had any prior issues	²³ don't I don't remember appearing.
relating to controlled substances,	Q. Attached to it is the Iowa
D _{max} 202	D ₂₀₀ 205
Page 303	Page 305
¹ correct?	¹ Board of Pharmacy's action against Henry
¹ correct? ² MR. McDONALD: Objection.	 Board of Pharmacy's action against Henry Schein, statement of charges. Do you
 1 correct? 2 MR. McDONALD: Objection. 3 BY MR. MIGLIORI: 	 Board of Pharmacy's action against Henry Schein, statement of charges. Do you recall the Attorney General or the board
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1			
	Page 306		Page 308
1 -	A. This probably would have		patient use. Are you okay with
	gone to legal. I would have forwarded it	2	reinstating? See attached file."
3	to legal.	3	Is that an appropriate use
4	Q. Okay. And the charge	4	of the line wyour easterner system.
5	includes, "From December 19, 2008,	5	MR. McDONALD: Object to the
6	through August 31st of 2009, respondent	6	form.
7	supplied a total of 800 milliliters of	7	THE WITNESS: An appropriate
8	Schedule II morphine sulfate injection to	8	use of the know your customer?
9	Des Moines University. At the time	9	BY MR. MIGLIORI:
10	respondent supplied the morphine sulfate	10	Q. Yeah. We'll break it down
	injection to Des Moines University, the		for you.
12	university did not have a valid	12	Should Shaun Abreu instruct
13	controlled substances registration	13	a customer that they should fill out a
14	submitted by Des Moines University to	14	form saying they'll no longer
15	possess the morphine sulphate injection."	15	self-medicate? Is that consistent with
16	If that is the charge, where	16	the due diligence "know your customer"
17	would the system have failed?	17	obligations of Henry Schein?
18	MR. McDONALD: Objection to	18	MR. McDONALD: Object to the
19	form.	19	form. Lack of foundation.
20	BY MR. MIGLIORI:	20	THE WITNESS: I can't speak
21	Q. And by system, I mean Henry	21	to what Shaun Abreu told the
22	Schein's system for verification or	22	customer.
23	compliance.	23	BY MR. MIGLIORI:
24	A. That would be a verification	24	Q. Is self-medicating permitted
	Page 307		Page 309
1	function.	1	under the Henry Schein controlled
2	(Document marked for	1	substance policies and procedures?
3	identification as Exhibit	3	A. Self-medicating is frowned
4	Schein-DiBello-31.)	4	upon. And it's one of those areas that
5	BY MR. MIGLIORI:		we reviewed carefully and would not
6	Q. Exhibit 31. It's an e-mail		· ·
		1 0	would not approve
7	exchange just before you are leaving	7	would not approve. O Would it be appropriate for
7 8	exchange just before you are leaving, between Shaun Abreu and Craig Schiavo		Q. Would it be appropriate for
	between Shaun Abreu and Craig Schiavo.	7 8	Q. Would it be appropriate for Shaun Abreu to take a doctor that was
8 9	between Shaun Abreu and Craig Schiavo. Craig Schiavo worked for you	7 8 9	Q. Would it be appropriate for Shaun Abreu to take a doctor that was self-medicating, but since he did \$31,000
8	between Shaun Abreu and Craig Schiavo. Craig Schiavo worked for you at this point, correct?	7 8 9 10	Q. Would it be appropriate for Shaun Abreu to take a doctor that was self-medicating, but since he did \$31,000 in sales for 2011, he had him fill out a
8 9 10	between Shaun Abreu and Craig Schiavo. Craig Schiavo worked for you at this point, correct? A. Worked for Sergio.	7 8 9 10 11	Q. Would it be appropriate for Shaun Abreu to take a doctor that was self-medicating, but since he did \$31,000 in sales for 2011, he had him fill out a justification letter stating that he'll
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8 9 10 11 12	between Shaun Abreu and Craig Schiavo. Craig Schiavo worked for you at this point, correct? A. Worked for Sergio. Q. Okay. But worked within regulatory affairs?	7 8 9 10 11 12	Q. Would it be appropriate for Shaun Abreu to take a doctor that was self-medicating, but since he did \$31,000 in sales for 2011, he had him fill out a justification letter stating that he'll no longer self-medicate, is that an appropriate way of using the
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	ect to further confidentiality Review
P	Page 310 Page 312
¹ said, "I am okay with reinstating. Do	¹ A. It depends on what what
² you think we should send this to the D	EA 2 happened with the account and the and
³ as a follow-up to our reporting letter?"	³ the doctor.
4 And Shaun wrote back and	⁴ Q. Apparently the doctor was
⁵ said, "We never reported to DEA, it was	
⁶ part of the proactive process. I can	⁶ promised not to self-medicate, based on
⁷ simply reinstate the customer."	⁷ the e-mail. Is that an appropriate in
Based on what's on this	8 the decision tree, is that an appropriate
⁹ e-mail, is that an appropriate use of	⁹ decision for Shaun Abreu to be making,
Schein's justification, due diligence	10 not to report that kind of
¹¹ process, proactive process?	self-medicating event to the DEA?
MR. McDONALD: Object to	
form.	13 the verification group at the time, that
THE WITNESS: I don't I	was his decision. But again, based on
would need to see the the rest	his interaction with this particular
of the file to to comment on	16 doctor.
it.	Q. Does it trouble you that the
18 BY MR. MIGLIORI:	18 verification, at least on the face of his
Q. Was it enough at Henry	19 e-mail, was that the account was a
20 Schein for a doctor to just simply say	20 \$31,000-a-year account?
21 I'll stop self-medicating, to justify	MR. McDONALD: Object to the
²² continuing to sell in the order of	form.
²³ \$31,000 per year	THE WITNESS: I would not
MR. McDONALD: Object to	
	Page 311 Page 313
form.	account.
² BY MR. MIGLIORI:	² BY MR. MIGLIORI:
Q. to the customer:	Q. Would you agree with me on
WIR. MCDONALD. Object to	
101111.	WIK. WICDONALD. Object to the
THE WITNESS: A customer	
7 111 , 1 1 1	Torm.
would have to explain his	7 THE WITNESS: I don't know
8 circumstances in order to proceed	7 THE WITNESS: I don't know that. I can't tell just based on
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Page 314 Page 316 ¹ that during the period of time that you Q. It says that, "To date, ² were director of regulatory affairs, that ² Henry Schein has consistently filed ³ Henry Schein had not been reporting sales ³ reports on a timely basis as required by ⁴ of controlled substances to the Ohio ⁴ the PMP, and prior to the discovery of ⁵ Board of Pharmacy as required by Ohio ⁵ this issue, Henry Schein was not aware ⁶ the reports were incomplete. Please be 6 law? 7 ⁷ reassured that there was never any intent MR. McDONALD: Object to the ⁸ to avoid or circumvent the customers 8 form. Assumes facts not in 9 evidence. obligation under Ohio state law, and as 10 THE WITNESS: I was not an act of good faith, Henry Schein is providing all controlled substance sales 11 aware. information which was mistakenly omitted 12 BY MR. MIGLIORI: 13 Q. This is a letter dated 13 for the previous two years." 14 ¹⁴ November 9, 2012. You had just left a So were you -- would that ¹⁵ have been a function of regulatory month earlier, correct? 16 ¹⁶ affairs to make sure that Henry Schein A. Correct. 17 was in compliance with Ohio reporting Q. And Sergio Tejeda at this point is listed as director of regulatory requirements under the prescription operations and compliance. Is that a monitoring program, the law in the state promotion from where he was before? of Ohio for those two years? 21 21 A. Correct. A. It sounds like a ²² verification report. O. And he writes to the Ohio 23 State Board of Pharmacy in November of 23 Q. So reporting of transactions ²⁴ of sale of controlled substances from ²⁴ 2012, saying that "the purpose of this Page 317 Page 315 ¹ letter is to notify the Ohio Board of ¹ Henry Schein from 2010 to 2012 was the ² Pharmacy of an issue that we recently ² function of the verifications department ³ discovered while conducting a routine ³ and not the regulatory affairs ⁴ internal review of our operations. 4 department? ⁵ During the course of our internal review That's what it sounds like, A. ⁶ we realized that Henry Schein has been yeah. ⁷ underreporting sales of controlled Q. And yet this letter is being ⁸ substances to the Ohio Board of Pharmacy written from the regulatory affairs ⁹ as required by the state's Prescription department, correct? ¹⁰ Monitoring Program, PMP. The reports 10 A. That's correct, because 11 included sales of products containing 11 regulatory would interact with the 12 tramadol and carisoprodol, but do not agency. But the actual reporting, just ¹³ include sale of other controlled 13 like the ARCOS and other reports, are ¹⁴ substances. We believe the ¹⁴ verification functions. ¹⁵ underreporting error was due to Q. Okay. And you agree with me ¹⁶ misinterpretation or miscommunication of ¹⁶ that reporting is an essential part, is an integral report of the effective ¹⁷ the state requirement that happened ¹⁸ during the implementation of our computer detection and prevention of diversion, ¹⁹ automated reporting system." both at the state and federal levels, 20 Did that ever get brought to correct? your attention while you were director of 21 MR. McDONALD: Object to 22 ²² regulatory affairs? form. 23 A. No, I don't recall that. I THE WITNESS: I would agree. ²⁴ wasn't paying attention. ²⁴ BY MR. MIGLIORI:

п	ignly Confidential - Subject to	<i>J</i> 1	dittier confidentiality Review
	Page 318		Page 320
1	Q. Go ahead.	1	Romeo wrote to the from regulatory
2	A. I would agree.	2	affairs wrote to Jeff Peacock, the now
3	MR. MIGLIORI: Last	3	director of regulatory affairs about two
4	document. And we'll get your	4	months after you I'm sorry, about a
5	lawyer out of here.	5	year
6	MR. McDONALD: I actually	6	A. Over a year.
7	need to get on a call. I'll pass	7	Q after you left about the
8	it on.	8	state of suspicious order monitoring
9	MR. MIGLIORI: I won't ask	9	program, correct?
10	anything objectionable.	10	A. Okay. That's what it says.
11	This is the last document.	11	Q. So the date here, although
	BY MR. MIGLIORI:	1	it says December 19, 2012, it's actually
13	Q. We got a little late start	13	the 2013 verification team. Do you see
	with the 10:30 time. I'm trying to get	14	that, the dates?
15	us out of here on time.	15	A. Okay.
16	(Document marked for	16	Q. I just want to orient you.
17	identification as Exhibit	17	A. Okay.
18	Schein-DiBello-33.)	18	Q. "The assessment is a result
	BY MR. MIGLIORI:	1	of a cooperative effort of the regulatory
20	Q. Exhibit Number 33. Jeff	20	and verification teams that looked into
	Peacock was your successor?	21	the identification of controlled
22	A. Correct.	22	substances and/or a specific combination
23	Q. And this is a December 19,	23	of controlled substances that might
24	2012, assessment, internal assessment of	24	potentially place Schein in a high risk
		1	
	Page 319		Page 321
1	Page 319 the regulatory affairs/verifications	1	Page 321 category as a distributor of controlled
1 2	the regulatory affairs/verifications	1 2	_
	the regulatory affairs/verifications	1	category as a distributor of controlled
2	the regulatory affairs/verifications department. Do you see that?	3	category as a distributor of controlled substances for DEA regulatory actions." Did you ever have such assessments reported to you while you
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Page 322 Page 324 ¹ sorry, 2009 from internal audits? A. No. I don't even know what 2 MR. JONES: Object to the that means. 3 Q. Okay. Was it ever told to form. ⁴ you that the suspicious order monitoring THE WITNESS: No. BY MR. MIGLIORI: system as of 2013 was overburdened with Q. All right. This team, that human intervention? ⁷ team of Sergio Tejeda, Tina A. No. 8 Steffanie-Oak, and Ken Romeo, they 8 MR. JONES: Object to the existed as a team before you departed as 9 form. 10 ¹⁰ director of regulatory affairs, correct? THE WITNESS: No. 11 A. Yes. BY MR. MIGLIORI: 12 Q. Okay. They had certain Q. And was it ever told to you 13 findings. One of the findings was that, ¹³ that the risk level for DEA enforcement ¹⁴ "The current suspicious order monitoring action was high because of the current 15 system" -- again this is December 2013 -computerized suspicious order monitoring ¹⁶ "appears to utilize a regression system being dated? 17 ¹⁷ formulated statistical mode as a basis MR. JONES: Object to the ¹⁸ for normalizing prescribing and 18 form. 19 ¹⁹ purchasing patterns for controlled THE WITNESS: No. ²⁰ substances and dangerous prescription BY MR. MIGLIORI: ²¹ drugs resulting in product release." It Q. Second finding of Sergio ²² Tejeda and his team was that, "The ²² says here, "The real problem lies in the ²³ fact that our suspicious order monitoring ²³ individual account thresholds for 24 system provides us only a mirror image of ²⁴ controlled substance purchase may be Page 323 Page 325 ¹ adjusted by verifications without ¹ our own business model. Our system has ² not been checked against a neutral ² regulatory and/or medical guidance which ³ nationally recognized medical database to ³ could result in an inappropriate product ⁴ release." The risk level for DEA ⁴ crosscheck its validity as truthful and ⁵ accurate." ⁵ enforcement level was high. Had you ever had any Were you ever told that the ⁷ observations or findings that said that ⁷ verifications adjustments subjected the ⁸ the suspicious order monitoring system company to a high risk of DEA ⁹ that you had in place was not real world involvement? 10 ¹⁰ oriented? MR. JONES: Object to the 11 11 MR. JONES: Object to the form. 12 THE WITNESS: No, I was not. form. 13 THE WITNESS: No. ¹³ BY MR. MIGLIORI: ¹⁴ BY MR. MIGLIORI: Q. Were you aware that as of 15 2013 the regulatory affairs department at Q. The Schein regulatory ¹⁶ affairs team found that, "Current ¹⁶ Henry Schein thought that, "The ¹⁷ suspicious order monitoring parameters of 'decisionmakers' in the verifications ¹⁸ market segment, practice type, and department lacked the medical training ¹⁹ practice specialty do not cross-reference and qualifications to release controlled 20 normal clinical drug utilization" -substances without regulatory or medical ²¹ "utilization patterns." guidance in some instances"? 22 Was that observation or Had that observation ever ²³ finding ever presented to you while you ²³ been made to you? ²⁴ were director of regulatory affairs? 24 A. No.

Page 326 Q. It says, "An example, a ¹ decisionmakers, that that as a result led ² product release decision can be made ² to orders that should have gotten ³ solely within the verification team ³ regulatory scrutiny that didn't? ⁴ without a secondary check. Justification MR. JONES: Object to the ⁵ letters submitted to Schein by physicians form. ⁶ or accounts requesting controlled THE WITNESS: No. ⁷ substances are not reviewed currently by BY MR. MIGLIORI: 8 medically trained personnel." Q. Sergio Tejeda and his team in regulatory affairs also found that, Was that true as of the time ¹⁰ "The accounting data reported to ¹⁰ that you left, that these justification 11 regulatory and verification underwriters 11 letters were not being reviewed by ¹² medically trained personnel? ¹² as total sales may be materially A. Justification letters were 13 misstated." 14 ¹⁴ processed by the verifications group. Were you aware of any I'm not aware of any medical professional accounting issues before you left as ¹⁶ in that group. director of regulatory affairs as to 17 Q. Okay. "In fairness, they total sales in their reporting? ¹⁸ are doing the best they can with the 18 MR. JONES: Object to the 19 limited training that they have received, 19 form. ²⁰ and many of our verifications colleagues 20 THE WITNESS: No. ²¹ are new to the particular position of BY MR. MIGLIORI: ²² decisionmaker. Also, internal Q. As of the time you left as ²³ director of regulatory affairs, were you ²³ documentation such as account notations ²⁴ performed by suspicious order teams is ²⁴ aware that Henry Schein had a standard Page 327 Page 329 ¹ not revealed to regulatory on a regular ¹ operating procedure that allowed for a ² customer to get a courtesy release of ² basis." Did you have any ³ controlled substances three times before ⁴ observations or findings shared with you ⁴ an account was required to have full ⁵ before you left Schein that a lot of documentation for medical need? ⁶ these internal decisions were being made MR. JONES: Object to the ⁷ by folks underqualified and those form. ⁸ decisions were not being shared on a THE WITNESS: No. regular basis with your department? BY MR. MIGLIORI: 10 MR. JONES: Object to the 10 Q. Were you aware that the ¹¹ suspicious order monitoring system in 11 form. 2013, at that point still failed to THE WITNESS: No. account for two potential deviate order ¹³ BY MR. MIGLIORI: Q. It goes on to say that, "The patterns? 15 ¹⁵ current gut feeling approach, while MR. JONES: Object to the ¹⁶ laudable, leaves Schein exposed. 16 form. 17 ¹⁷ Operating within a closed loop is usually THE WITNESS: I wasn't there ¹⁸ dangerous. During assessment process, 18 in 2013. ¹⁹ accounts were identified which needed 19 BY MR. MIGLIORI: 20 ²⁰ further regulatory scrutiny but were Q. Okay. As of the time that ²¹ trapped with the closed loop." you left in October of 2012, were you Did anyone express concerns aware that the suspicious order 23 to you about the current system that we ²³ monitoring system that had been put in ²⁴ showed in the diagram, the flowchart of place and enhanced through the time of

Page 330	Page 33
your departure, still failed to account	our questions.
² for two potential deviate order patterns?	THE VIDEOGRAPHER: Stand by
MR. JONES: Object to the	please. This marks the end of
form.	4 today's deposition. The time is
5 THE WITNESS: No.	5 5:28 p.m. Off the record.
⁶ BY MR. MIGLIORI:	⁶ (Excused.)
Q. And as of December 2013, a	⁷ (Deposition concluded at
8 year after you left as director of	8 approximately 5:28 p.m.)
⁹ regulatory affairs, the internal	9
regulatory affairs DEA compliance team	10
recommended in the short-term that Henry	11
Schein enhance communication with the	12
verifications department, provide	13
¹⁴ additional medical training to	14
verification decisionmakers, and provide	15
additional training relative to account	16
due diligence techniques.	17
Those were still issues that	18
19 required enhancement and improvement a	19
year after you left as director of	20
regulatory affairs. Were you ever made	21
aware of that?	22
MR. JONES: Object to the	23
form.	24
Page 331	Page 33
¹ THE WITNESS: No.	1 2 CERTIFICΔTE
² BY MR. MIGLIORI:	2 CERTIFICATE
Q. And that the long-term	4
⁴ recommendation of the regulatory affairs	5 I HEREBY CERTIFY that the
⁵ team was that it was required that a more	witness was duly sworn by me and that the deposition is a true record of the
⁶ proactive involvement by regulatory in	testimony given by the witness.
⁷ the API and SOM systems on a continual	7
⁸ basis, that at a year after you left as	It was requested before
⁹ director, Sergio Tejeda was recommending	8 completion of the deposition that the witness, MICHAEL DiBELLO, have the
to Henry Schein that regulatory play a	9 opportunity to read and sign the
more proactive role in the suspicious	deposition transcript.
order monitoring program at Henry Schein.	10 1 11
MR. JONES: Object to form.	12
14 BY MR. MIGLIORI:	MICHELLE L. GRAY,
Q. Were you aware of that?	A Registered Professional
MR. JONES: Object to form.	Reporter, Certified Shorthand Reporter, Certified Realtime
THE WITNESS: I was not	Reporter and Notary Public
aware of that.	Dated: February 22, 2019
	16 17
MR. MIGLIORI: Sir, I	18 (The foregoing certification
appreciate your time. I think	of this transcript does not apply to any
appreciate your time. I think that's all I have. I appreciate	of this transcript does not apply to any reproduction of the same by any means,
appreciate your time. I think that's all I have. I appreciate it.	of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or
appreciate your time. I think that's all I have. I appreciate	of this transcript does not apply to any reproduction of the same by any means,

	Page 334	Page 336
1	INSTRUCTIONS TO WITNESS	1
2		² ACKNOWLEDGMENT OF DEPONENT
3	Please read your deposition	3
4	· · · · · · · · · · · · · · · · · · ·	4 I,, do
-	over carefully and make any necessary	5 hereby certify that I have read the
5	corrections. You should state the reason	6 foregoing pages, 1 - 337, and that the
6	in the appropriate space on the errata	7 same is a correct transcription of the
7	sheet for any corrections that are made.	8 answers given by me to the questions
8	After doing so, please sign	
9	the errata sheet and date it.	therein propounded, except for the
10	You are signing same subject	corrections of changes in form of
		substance, if any, noted in the attached
1	to the changes you have noted on the	Errata Sheet.
12	errata sheet, which will be attached to	13
13	your deposition.	14
14	It is imperative that you	15
15	return the original errata sheet to the	¹⁶ MICHAEL DiBELLO DATE
16	deposing attorney within thirty (30) days	17
	of receipt of the deposition transcript	18
	by you. If you fail to do so, the	¹⁹ Subscribed and sworn
		to before me this
	deposition transcript may be deemed to be	²⁰ day of, 20
20	accurate and may be used in court.	²¹ My commission expires:
21		22
22		
23		Notary Public
24		24
	D 225	D 227
	Page 335	Page 337
1		¹ LAWYER'S NOTES
1	Page 335 ERRATA	
1 2		¹ LAWYER'S NOTES
		1 LAWYER'S NOTES 2 PAGE LINE 3
2		1 LAWYER'S NOTES 2 PAGE LINE 3
2	ERRATA	1 LAWYER'S NOTES 2 PAGE LINE 3
2	ERRATA PAGE LINE CHANGE	1 LAWYER'S NOTES 2 PAGE LINE 3
2 3 4 5	ERRATA	1 LAWYER'S NOTES 2 PAGE LINE 3
2 3 4 5 6	PAGE LINE CHANGE REASON:	1 LAWYER'S NOTES 2 PAGE LINE 3
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